



General Assembly

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## ***Amendment***

LCO No. 8664

**\*HB0665108664HD0\***

Offered by:

REP. BERGER, 73<sup>rd</sup> Dist.  
REP. PERONE, 137<sup>th</sup> Dist.  
SEN. LEBEAU, 3<sup>rd</sup> Dist.  
REP. GENTILE, 104<sup>th</sup> Dist.

SEN. MEYER, 12<sup>th</sup> Dist.  
REP. LAVIELLE, 143<sup>rd</sup> Dist.  
SEN. FRANTZ, 36<sup>th</sup> Dist.  
REP. SHABAN, 135<sup>th</sup> Dist.

To: Subst. House Bill No. 6651

File No. 475

Cal. No. 309

### ***"AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE STATE OF CONNECTICUT BROWNFIELD WORKING GROUP."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2013*) As used in this section,  
4 sections 3, 6, 7 and 8 of this act and sections 32-9cc, 32-9ee and 32-9kk  
5 to 32-9mm, inclusive, of the general statutes, as amended by this act:

6 (1) "Bona fide prospective purchaser" means a person who acquires  
7 ownership of a property after July 1, 2011, and establishes by a  
8 preponderance of the evidence that:

9 (A) All disposal of regulated substances at the property occurred  
10 before such person acquired the property;

11 (B) Such person made all appropriate inquiries, as set forth in 40

12 CFR Part 312, into the previous ownership and uses of the property in  
13 accordance with generally accepted good commercial and customary  
14 standards and practices, including, but not limited to, the standards  
15 and practices set forth in the ASTM Standard Practice for  
16 Environmental Site Assessments, Phase I Environmental Site  
17 Assessment Process, E1527-05, as may be amended from time to time.  
18 In the case of property in residential or other similar use at the time of  
19 purchase by a nongovernmental or noncommercial entity, a property  
20 inspection and a title search that reveal no basis for further  
21 investigation shall be considered to satisfy the requirements of this  
22 subparagraph;

23 (C) Such person provides all legally required notices with respect to  
24 the discovery or release of any regulated substances at the property;

25 (D) Such person exercises appropriate care with respect to regulated  
26 substances found at the property by taking reasonable steps to (i) stop  
27 any continuing release, (ii) prevent any threatened future release, and  
28 (iii) prevent or limit human, environmental or natural resource  
29 exposure to any previously released regulated substance;

30 (E) Such person provides full cooperation, assistance and access to  
31 persons authorized to conduct response actions or natural resource  
32 restoration at the property, including, but not limited to, the  
33 cooperation and access necessary for the installation, integrity,  
34 operation and maintenance of any complete or partial response actions  
35 or natural resource restoration at the property;

36 (F) Such person complies with any land use restrictions established  
37 or relied on in connection with the response action at the property and  
38 does not impede the effectiveness or integrity of any institutional  
39 control employed at the property in connection with a response action;  
40 and

41 (G) Such person complies with any request for information from the

42 Commissioner of Energy and Environmental Protection;

43 (2) "Brownfield" means any abandoned or underutilized site where  
44 redevelopment, reuse or expansion has not occurred due to the  
45 presence or potential presence of pollution in the buildings, soil or  
46 groundwater that requires investigation or remediation before or in  
47 conjunction with the redevelopment, reuse or expansion of the  
48 property;

49 (3) "Commissioner" means the Commissioner of Economic and  
50 Community Development;

51 (4) "Contiguous property owner" means a person who owns real  
52 property contiguous to or otherwise similarly situated with respect to,  
53 and that is or may be contaminated by a release or threatened release  
54 of a regulated substance from, real property that is not owned by that  
55 person, provided:

56 (A) With respect to the property owned by such person, such person  
57 takes reasonable steps to (i) stop any continuing release of any  
58 regulated substance released on or from the property, (ii) prevent any  
59 threatened future release of any regulated substance released on or  
60 from the property, and (iii) prevent or limit human, environmental or  
61 natural resource exposure to any regulated substance released on or  
62 from the property;

63 (B) Such person provides full cooperation, assistance and access to  
64 persons authorized to conduct response actions or natural resource  
65 restoration at the property from which there has been a release or  
66 threatened release, including, but not limited to, the cooperation and  
67 access necessary for the installation, integrity, operation and  
68 maintenance of any complete or partial response action or natural  
69 resource restoration at the property;

70 (C) Such person complies with any land use restrictions established  
71 or relied on in connection with the response action at the property and

72 does not impede the effectiveness or integrity of any institutional  
73 control employed in connection with a response action;

74 (D) Such person complies with any request for information from the  
75 Commissioner of Energy and Environmental Protection; and

76 (E) Such person provides all legally required notices with respect to  
77 the discovery or release of any hazardous substances at the property;

78 (5) "Department" means the Department of Economic and  
79 Community Development;

80 (6) "Economic development agency" means (A) a municipal  
81 economic development agency or entity created or operating under  
82 chapter 130 or 132 of the general statutes; (B) a nonprofit economic  
83 development corporation formed to promote the common good,  
84 general welfare and economic development of a municipality or a  
85 region that is funded, either directly or through in-kind services, in  
86 part by one or more municipalities; (C) a nonstock corporation or  
87 limited liability company established or controlled by a municipality,  
88 municipal economic development agency or an entity created or  
89 operating under chapter 130 or 132 of the general statutes; or (D) an  
90 agency, as defined in section 32-327 of the general statutes.

91 (7) "Eligible costs" means the costs associated with the investigation,  
92 assessment, remediation and development of a brownfield, including,  
93 but not limited to, (A) soil, groundwater and infrastructure  
94 investigation, (B) assessment, (C) remediation, (D) abatement, (E)  
95 hazardous materials or waste disposal, (F) long-term groundwater or  
96 natural attenuation monitoring, (G) (i) environmental land use  
97 restrictions, (ii) activity and use limitations, or (iii) other forms of  
98 institutional control, (H) attorneys' fees, (I) planning, engineering and  
99 environmental consulting, and (J) building and structural issues,  
100 including demolition, asbestos abatement, polychlorinated biphenyls  
101 removal, contaminated wood or paint removal, and other

102 infrastructure remedial activities;

103 (8) "Financial assistance" means grants, loans or loan guarantees, or  
104 any combination thereof;

105 (9) "Innocent landowner" has the same meaning as provided in  
106 section 22a-452d of the general statutes;

107 (10) "Interim verification" has the same meaning as provided in  
108 section 22a-134 of the general statutes, as amended by this act;

109 (11) "Manufacturing facility" means a business establishment  
110 classified under sector 31, 32 or 33 of the North American Industrial  
111 Classification System;

112 (12) "Municipality" means a town, city, consolidated town and city  
113 or consolidated town and borough;

114 (13) "PCB regulations" means the polychlorinated biphenyls  
115 manufacturing, processing, distribution in commerce and use  
116 prohibitions found at 40 CFR Part 761;

117 (14) "Person" means any individual, firm, partnership, association,  
118 syndicate, company, trust, corporation, limited liability company,  
119 municipality, economic development agency, agency or political or  
120 administrative subdivision of the state or any other legal entity;

121 (15) "Real property" means land, buildings and other structures and  
122 improvements thereto, subterranean or subsurface rights, any and all  
123 easements, air rights and franchises of any kind or nature;

124 (16) "Regulated substance" has the same meaning as provided in  
125 section 22a-134g of the general statutes;

126 (17) "Release" means any discharge, spillage, uncontrolled loss,  
127 seepage, filtration, leakage, injection, escape, dumping, pumping,  
128 pouring, emitting, emptying or disposal of a substance;

129 (18) "Remediation standards" has the same meaning as provided in  
130 section 22a-134 of the general statutes, as amended by this act;

131 (19) "State" means the state of Connecticut;

132 (20) "UST regulations" means the regulations adopted pursuant to  
133 subsection (d) of section 22a-449 of the general statutes; and

134 (21) "Verification" has the same meaning as provided in section 22a-  
135 134 of the general statutes, as amended by this act.

136 Sec. 2. Section 32-9cc of the general statutes is repealed and the  
137 following is substituted in lieu thereof (*Effective July 1, 2013*):

138 (a) There is established, within the Department of Economic and  
139 Community Development, an Office of Brownfield Remediation and  
140 Development. Such office shall be managed by a director, appointed  
141 by the commissioner in accordance with section 5-198. In addition to  
142 the other powers, duties and responsibilities provided for in this  
143 chapter, the office shall promote and encourage the [development and  
144 redevelopment] remediation and development of brownfields in the  
145 state. The Office of Brownfield Remediation and Development shall  
146 coordinate and cooperate with state and local agencies and individuals  
147 within the state on brownfield redevelopment initiatives, including  
148 program development and administration, community outreach,  
149 regional coordination and seeking federal funding opportunities.

150 (b) The office shall:

151 (1) Develop procedures and policies for streamlining the process for  
152 brownfield remediation and development;

153 (2) Identify existing and potential sources of funding for brownfield  
154 remediation and develop procedures for expediting the application for  
155 and release of such funds;

156 (3) Establish an office and maintain an informational Internet web

157 site to provide assistance and information concerning the state's  
158 technical assistance, funding, regulatory and permitting programs for  
159 brownfield remediation and development;

160 (4) Provide a single point of contact for financial and technical  
161 assistance from the state and quasi-public agencies with regard to  
162 brownfield remediation and development;

163 (5) Develop a common application to be used by all state and quasi-  
164 public entities providing financial assistance for brownfield  
165 assessment, remediation and development;

166 (6) Identify and prioritize state-wide brownfield development  
167 opportunities, including, but not limited to, in consultation with the  
168 State Historic Preservation Office, municipal officials and regional  
169 planning organizations, the identification of abandoned and  
170 underutilized mills that are important assets to the [municipality or the  
171 region] municipalities or the regions in which such mills are located;

172 (7) Develop and [execute] administer a communication and  
173 outreach program to educate municipalities, economic development  
174 agencies, property owners, [and] potential property owners and other  
175 organizations and individuals with regard to state programs for  
176 brownfield remediation and redevelopment;

177 (8) At the office's discretion, enter into cooperative agreements with  
178 [qualified implementing] economic development agencies and may,  
179 where appropriate, make grants to [these] such organizations for the  
180 purpose of designing, implementing and supervising brownfield  
181 assessment and cleanups, or making further subgrants, provided each  
182 subgrant is in compliance with the terms and conditions of the original  
183 grant; and

184 (9) Create and maintain a web site independent of the department's  
185 other web sites that is specifically dedicated to marketing and  
186 promoting state-owned brownfields, and develop and implement a

187 marketing campaign for such brownfields and web site.

188 [(c) Subject to the availability of funds, there shall be a state-funded  
189 municipal brownfield grant program to identify brownfield  
190 remediation economic opportunities in Connecticut municipalities  
191 annually. For each round of funding, the Commissioner of Economic  
192 and Community Development may select at least six municipalities,  
193 one of which shall have a population of less than fifty thousand, one of  
194 which shall have a population of more than fifty thousand but less  
195 than one hundred thousand, two of which shall have populations of  
196 more than one hundred thousand and two of which shall be selected  
197 without regard to population. The Commissioner of Economic and  
198 Community Development shall designate municipalities in which  
199 untreated brownfields hinder economic development and shall make  
200 grants under such program to these municipalities or economic  
201 development agencies associated with each of the selected  
202 municipalities that are likely to produce significant economic  
203 development benefit for the designated municipality.]

204 [(d)] (c) The Department of Energy and Environmental Protection,  
205 Connecticut Innovations, Incorporated, the Office of Policy and  
206 Management and the Department of Public Health shall each  
207 designate one or more staff members to act as a liaison between their  
208 offices and the Office of Brownfield Remediation and Development.  
209 The Commissioners of Economic and Community Development,  
210 Energy and Environmental Protection and Public Health, the Secretary  
211 of the Office of Policy and Management and the [executive director]  
212 chief executive officer of Connecticut Innovations, Incorporated shall  
213 enter into a memorandum of understanding concerning each entity's  
214 responsibilities with respect to the Office of Brownfield Remediation  
215 and Development. The Office of Brownfield Remediation and  
216 Development may recruit two volunteers from the private sector,  
217 including a person from the Connecticut chapter of the National  
218 Brownfield Association, with experience in different aspects of



219 brownfield remediation and development. Said volunteers may assist  
220 the Office of Brownfield Remediation and Development in marketing  
221 the [brownfields] brownfield programs and redevelopment activities  
222 of the state.

223 [(e)] (d) The Office of Brownfield Remediation and Development  
224 may call upon any other department, board, commission or other  
225 agency of the state to supply such reports, information and assistance  
226 as said office determines is appropriate to carry out its duties and  
227 responsibilities. Each officer or employee of such office, department,  
228 board, commission or other agency of the state is authorized and  
229 directed to cooperate with the Office of Brownfield Remediation and  
230 Development and to furnish such reports, information and assistance.

231 [(f) Brownfield sites identified for funding under the grant program  
232 established in subsection (c) of this section shall receive priority review  
233 status from the Department of Energy and Environmental Protection.  
234 Each property funded under this program shall be investigated in  
235 accordance with prevailing standards and guidelines and remediated  
236 in accordance with the regulations established for the remediation of  
237 such sites adopted by the Commissioner of Energy and Environmental  
238 Protection or pursuant to section 22a-133k and under the supervision  
239 of the department or a licensed environmental professional in  
240 accordance with the voluntary remediation program established in  
241 section 22a-133x. In either event, the department shall determine that  
242 remediation of the property has been fully implemented or that an  
243 audit will not be conducted upon submission of a report indicating  
244 that remediation has been verified by an environmental professional  
245 licensed in accordance with section 22a-133v. Not later than ninety  
246 days after submission of the verification report, the Commissioner of  
247 Energy and Environmental Protection shall notify the municipality or  
248 economic development agency as to whether the remediation has been  
249 performed and completed in accordance with the remediation  
250 standards, whether an audit will not be conducted, or whether any

251 additional remediation is warranted. For purposes of acknowledging  
252 that the remediation is complete, the commissioner or a licensed  
253 environmental professional may indicate that all actions to remediate  
254 any pollution caused by any release have been taken in accordance  
255 with the remediation standards and that no further remediation is  
256 necessary to achieve compliance except postremediation monitoring or  
257 natural attenuation monitoring.

258 (g) All relevant terms in this subsection, subsection (h) of this  
259 section and sections 32-9dd to 32-9ff, inclusive, shall be defined in  
260 accordance with the definitions in chapter 445. For purposes of  
261 subdivision (12) of subsection (a) of section 32-9t, this subsection,  
262 subsection (h) of this section and sections 32-9dd to 32-9gg, inclusive,  
263 "brownfields" means any abandoned or underutilized site where  
264 redevelopment, reuse or expansion has not occurred due to the  
265 presence or potential presence of pollution in the buildings, soil or  
266 groundwater that requires investigation or remediation before or in  
267 conjunction with the restoration, redevelopment, reuse and expansion  
268 of the property.

269 (h) The Departments of Economic and Community Development  
270 and Energy and Environmental Protection shall administer the  
271 provisions of subdivision (1) of section 22a-134, section 32-1m,  
272 subdivision (12) of subsection (a) of section 32-9t and sections 32-9cc to  
273 32-9gg, inclusive, within available appropriations and any funds  
274 allocated pursuant to sections 4-66c, 22a-133t and 32-9t.]

275 Sec. 3. (NEW) (*Effective July 1, 2013*) (a) There is established an  
276 account to be known as the "brownfield remediation and development  
277 account", which shall be a separate, nonlapsing account within the  
278 General Fund. There shall be deposited in the account: (1) The  
279 proceeds of bonds issued by the state for deposit into said account and  
280 used in accordance with this section; (2) repayments of assistance  
281 provided pursuant to subsection (c) of section 22a-133u of the general  
282 statutes; (3) interest or other income earned on the investment of

283 moneys in the account; (4) funds recovered pursuant to sections 7 and  
284 8 of this act; (5) any proceeds realized by the state from activities  
285 pursuant to section 32-9kk of the general statutes, as amended by this  
286 act, or section 6 of this act; and (6) all funds required by law to be  
287 deposited in the account. Any balance remaining in the account at the  
288 end of any fiscal year shall be carried forward in the account for the  
289 fiscal year next succeeding.

290 (b) All moneys received in consideration of financial assistance,  
291 including payments of principal and interest on any loans made  
292 pursuant to section 6 of this act, shall be credited to the account and  
293 shall become part of the assets of the account. At the discretion of the  
294 Commissioner of Economic and Community Development and subject  
295 to the approval of the Secretary of the Office of Policy and  
296 Management, any federal, private or other moneys received by the  
297 state in connection with projects undertaken pursuant to section 32-  
298 9kk of the general statutes, as amended by this act, or section 6 of this  
299 act shall be credited to the assets of the account.

300 (c) Notwithstanding any provision of the general statutes, proceeds  
301 from the sale of bonds available pursuant to subdivision (1) of  
302 subsection (b) of section 4-66c of the general statutes may, with the  
303 approval of the Governor and the State Bond Commission, be used to  
304 capitalize the account.

305 (d) The commissioner may use funds in the account (1) to provide  
306 financial assistance for the remediation and development of  
307 brownfields in the state pursuant to section 32-9kk of the general  
308 statutes, as amended by this act, or section 6 of this act, (2) to provide  
309 financial assistance to parcel owners required to perform mitigation  
310 actions pursuant to section 22a-6u of the general statutes, as amended  
311 by this act, and (3) for administrative costs not to exceed five per cent  
312 of such funds.

313 Sec. 4. Section 32-9kk of the general statutes is repealed and the

314 following is substituted in lieu thereof (*Effective July 1, 2013*):

315 [(a) As used in subsections (b) to (k), inclusive, of this section:

316 (1) "Brownfield" means any abandoned or underutilized site where  
317 redevelopment, reuse or expansion has not occurred due to the  
318 presence or potential presence of pollution in the buildings, soil or  
319 groundwater that requires investigation or remediation before or in  
320 conjunction with the restoration, redevelopment and reuse of the  
321 property;

322 (2) "Commissioner" means the Commissioner of Economic and  
323 Community Development;

324 (3) "Department" means the Department of Economic and  
325 Community Development;

326 (4) "Eligible applicant" means any municipality, a for-profit or  
327 nonprofit organization or entity, or economic development agency or  
328 any combination thereof;

329 (5) "Financial assistance" means grants, extensions of credit, loans or  
330 loan guarantees, participation interests in loans made to eligible  
331 applicants by Connecticut Innovations, Incorporated or combinations  
332 thereof;

333 (6) "Municipality" means a town, city, consolidated town and city or  
334 consolidated town and borough;

335 (7) "Eligible brownfield project" means the foreclosure,  
336 investigation, assessment, remediation and development of a  
337 brownfield undertaken pursuant to this subsection and subsections (b)  
338 to (k), inclusive, of this section;

339 (8) "Project area" means the area within which a brownfield  
340 development project is located;

341 (9) "Real property" means land, buildings and other structures and  
342 improvements thereto, subterranean or subsurface rights, any and all  
343 easements, air rights and franchises of any kind or nature;

344 (10) "State" means the state of Connecticut;

345 (11) "Eligible grant recipients" means municipalities or economic  
346 development agencies; and

347 (12) "Economic development agency" means (A) a municipal  
348 economic development agency or entity created or operating under  
349 chapter 130 or 132; (B) a nonprofit economic development corporation  
350 formed to promote the common good, general welfare and economic  
351 development of a municipality that is funded, either directly or  
352 through in-kind services, in part by a municipality; or (C) a nonstock  
353 corporation or limited liability company established or controlled by a  
354 municipality, municipal economic development agency or an entity  
355 created or operating under chapter 130 or 132.

356 (b) Subject to the availability of funds, the Commissioner of  
357 Economic and Community Development may, in consultation with the  
358 Commissioner of Energy and Environmental Protection, provide  
359 financial assistance pursuant to subsections (e) and (f) of this section in  
360 support of eligible brownfield projects, as defined in subdivision (7) of  
361 subsection (a) of this section.

362 (c) An eligible applicant, as defined in subdivision (4) of subsection  
363 (a) of this section, shall submit an application for financial assistance to  
364 the Commissioner of Economic and Community Development on  
365 forms provided by said commissioner and with such information said  
366 commissioner deems necessary, including, but not limited to: (1) A  
367 description of the proposed project; (2) an explanation of the expected  
368 benefits of the project in relation to the purposes of subsections (a) to  
369 (i), inclusive, of this section; (3) information concerning the financial  
370 and technical capacity of the eligible applicant to undertake the

371 proposed project; (4) a project budget; (5) a description of the condition  
372 of the property involved including the results of any environmental  
373 assessment of the property; and (6) the names of any persons known to  
374 be liable for the remediation of the property.

375 (d) The commissioner may approve, reject or modify any  
376 application properly submitted. In reviewing an application and  
377 determining the type and amount of financial assistance, if any, to be  
378 provided, the commissioner shall consider the following criteria: (1)  
379 The availability of funds; (2) the estimated costs of assessing and  
380 remediating the site, if known; (3) the relative economic condition of  
381 the municipality; (4) the relative need of the eligible project for  
382 financial assistance; (5) the degree to which financial assistance is  
383 necessary as an inducement to the eligible applicant to undertake the  
384 project; (6) the public health and environmental benefits of the project;  
385 (7) relative economic benefits of the project to the municipality, the  
386 region and the state, including, but not limited to, the extent to which  
387 the project will likely result in a contribution to the municipality's tax  
388 base and the retention and creation of jobs; (8) the time frame in which  
389 the contamination occurred; (9) the relationship of the applicant to the  
390 person or entity that caused the contamination; (10) the length of time  
391 the property has been abandoned; (11) the taxes owed and the  
392 projected revenues that may be restored to the community; (12) the  
393 type of financial assistance requested pursuant to this section; and (13)  
394 such other criteria as the commissioner may establish consistent with  
395 the purposes of subsection (a) to (k), inclusive, of this section.]

396 [(e) (1)] (a) There is established a remedial action and  
397 redevelopment municipal grant program to be administered by the  
398 Department of Economic and Community Development for the  
399 purpose of providing [financial assistance in the form of grants to  
400 eligible grant recipients. Eligible grant recipients may use grant funds  
401 for any development project, including manufacturing, retail,  
402 residential, municipal, educational, parks, community centers and

403 mixed-use development, and the project's associated costs, including  
404 (A) soil, groundwater and infrastructure investigation, (B) assessment,  
405 (C) remediation, (D) abatement, (E) hazardous materials or waste  
406 disposal, (F) long-term groundwater or natural attenuation  
407 monitoring, (G) environmental land use restrictions, (H) attorneys'  
408 fees, (I) planning, engineering and environmental consulting, and (J)  
409 building and structural issues, including demolition, asbestos  
410 abatement, polychlorinated biphenyls removal, contaminated wood or  
411 paint removal, and other infrastructure remedial activities.] grants to  
412 municipalities and economic development agencies for the eligible  
413 costs of brownfield remediation projects, brownfield assessment  
414 projects and reasonable administrative expenses not to exceed five per  
415 cent of any grant awarded. A grant awarded under this section shall  
416 not exceed four million dollars.

417 (b) A grant applicant shall submit an application to the  
418 Commissioner of Economic and Community Development on forms  
419 provided by the commissioner and with such information the  
420 commissioner deems necessary, including, but not limited to: (1) A  
421 description of the proposed project; (2) an explanation of the expected  
422 benefits of the project in relation to the purposes of this section; (3)  
423 information concerning the financial and technical capacity of the  
424 applicant to undertake the proposed project; (4) a project budget; and  
425 (5) with respect to a brownfield remediation project, a description of  
426 the condition of the brownfield, including the results of any  
427 environmental assessment of the brownfield in the possession of or  
428 available to the applicant.

429 (c) The commissioner may approve, reject or modify any application  
430 properly submitted in accordance with the provisions of this section.  
431 In reviewing an application and determining the amount of the grant,  
432 if any, to be provided, the commissioner shall consider the following  
433 criteria: (1) The availability of funds; (2) the estimated costs of  
434 assessing and remediating the brownfield, if known; (3) the relative

435 economic condition of the municipality in which the brownfield is  
436 located; (4) the relative need of the project for financial assistance; (5)  
437 the degree to which a grant under this section is necessary to induce  
438 the applicant to undertake the project; (6) the public health and  
439 environmental benefits of the project; (7) the relative benefits of the  
440 project to the municipality, the region and the state, including, but not  
441 limited to, the extent to which the project will likely result in a  
442 contribution to the municipality's tax base, the retention and creation  
443 of jobs and the reduction of blight; (8) the time frame in which the  
444 contamination occurred; (9) the relationship of the applicant to the  
445 person or entity that caused the contamination; (10) the length of time  
446 the brownfield has been abandoned; (11) the taxes owed and the  
447 projected revenues that may be restored to the community; (12) the  
448 relative need for assessment of the brownfield within the municipality  
449 or region; and (13) such other criteria as the commissioner may  
450 establish consistent with the purposes of this section.

451 [(2)] (d) The [Commissioner of Economic and Community  
452 Development] commissioner shall award grants on a competitive  
453 basis, based [at a minimum on an annual request for applications, the  
454 first of which shall be issued on October 1, 2008, and the following to  
455 be issued on June first each year, with awards being made by the  
456 following January first] on a request for applications occurring on or  
457 before October first, annually. The commissioner [, at the  
458 commissioner's discretion,] may increase the frequency of requests for  
459 applications and awards depending upon the number of applicants  
460 and the availability of funding.

461 [(3) A grant awarded pursuant to this section shall not exceed four  
462 million dollars. If the eligible costs exceed four million dollars, the  
463 commissioner may request and seek funding through other state  
464 programs.

465 (4) If the eligible grant recipient develops and sells the property,  
466 such applicant shall return any money received pursuant to this



467 subsection, to the brownfield remediation and development account  
468 established pursuant to subsection (l) of this section, minus twenty per  
469 cent, which such eligible grant recipient shall retain to cover costs of  
470 oversight, administration, development and, if applicable, lost tax  
471 revenue.

472 (5) Any eligible grant recipient shall be immune from liability to the  
473 extent provided in subsection (a) of section 32-9ee.]

474 [(6) The eligible] (e) A grant recipient may make low-interest loans  
475 to a brownfield redeveloper [, if the future reuse is known and an  
476 agreement with the redeveloper is in place and the private party is a  
477 coapplicant] if (1) such recipient coapplied for the grant under this  
478 section with such brownfield redeveloper, and (2) not later than ninety  
479 days after receiving the grant, such recipient enters into a written  
480 agreement with such brownfield redeveloper for an identified future  
481 reuse of such brownfield after remediation. Loan principal and interest  
482 payments shall be returned to the brownfield remediation and  
483 development account established pursuant to [subsection (l) of this  
484 section] section 3 of this act, minus twenty per cent of the principal,  
485 which the eligible grant recipient shall retain. If the eligible grant  
486 recipient provides a loan, such loan may be secured by a state or  
487 municipal lien on the property.

488 [(7) Any eligible grant recipients that provide a loan pursuant to  
489 subdivision (6) of this subsection shall require the loan recipient to  
490 enter a voluntary program pursuant to section 22a-133x or 22a-133y  
491 with the Commissioner of Energy and Environmental Protection for  
492 brownfield remediation. The commissioner may use not more than  
493 five per cent of eligible grant or loan proceeds for reasonable  
494 administrative expenses.]

495 (f) Any recipient of a loan pursuant to subsection (e) of this section,  
496 as a condition of such loan, shall enter a program for remediation of  
497 the property pursuant to section 22a-133x, 22a-133y, 32-9ll or 32-9mm,

498 as amended by this act.

499 (g) The provisions of sections 32-5a and 32-701 shall not apply to  
500 grants provided pursuant to this section.

501 [(8) Notwithstanding section 22a-134a, the eligible grant recipient  
502 may acquire and convey its interest in the property without such  
503 recipient or the subsequent purchaser incurring liability, including any  
504 such liability incurred pursuant to section 22a-134a, provided the  
505 property was remediated pursuant to section 22a-133x or 22a-133y or  
506 pursuant to an order issued by the Commissioner of Energy and  
507 Environmental Protection and such remediation was performed in  
508 accordance with the standards adopted pursuant to section 22a-133k as  
509 determined by said commissioner or, if authorized by said  
510 commissioner, verified by a licensed environmental professional  
511 unless such verification has been rejected by said commissioner  
512 subsequent to an audit conducted by said commissioner and provided  
513 the subsequent purchaser has no direct or related liability for the site  
514 conditions.

515 (f) (1) The Department of Economic and Community Development  
516 shall develop a targeted brownfield development loan program to  
517 provide financial assistance in the form of low-interest loans to eligible  
518 applicants who are potential brownfield purchasers who have no  
519 direct or related liability for the site conditions and eligible applicants  
520 who are existing property owners who (A) are currently in good  
521 standing and otherwise compliant with the Department of Energy and  
522 Environmental Protection's regulatory programs, (B) demonstrate an  
523 inability to fund the investigation and cleanup themselves, and (C)  
524 cannot retain or expand jobs due to the costs associated with the  
525 investigating and remediating of the contamination.

526 (2) The commissioner shall provide low-interest loans to eligible  
527 applicants who are purchasers or existing property owners pursuant to  
528 this section who seek to develop property for purposes of retaining or

529 expanding jobs in the state or for developing affordable housing units,  
530 suitable for first-time home buyers, incentive housing zones,  
531 workforce housing and other residential purposes, as approved by the  
532 commissioner. Loans shall be available to manufacturing, retail,  
533 residential or mixed-use developments, expansions or reuses. The  
534 commissioner shall provide loans based upon project merit and  
535 viability, the economic and community development opportunity,  
536 municipal support, contribution to the community's tax base, number  
537 of jobs, past experience of the applicant, compliance history and ability  
538 to pay.

539 (3) Any loan recipient who is a brownfields purchaser and who (A)  
540 receives a loan in excess of thirty thousand dollars, or (B) uses loan  
541 proceeds to perform a Phase II environmental investigation, shall be  
542 subject to section 22a-134a or shall enter a voluntary program for  
543 remediation of the property with the Department of Energy and  
544 Environmental Protection. Any loan recipient who is an existing  
545 property owner shall enter a voluntary program with the Department  
546 of Energy and Environmental Protection.

547 (4) Loans made pursuant to this subsection shall have such terms  
548 and conditions and shall be subject to such eligibility, loan approval  
549 and criteria, as determined by the commissioner. Such conditions shall  
550 include, but not be limited to, performance requirements and  
551 commitments to maintain or retain jobs or provide a specified number  
552 of affordable housing units. Loan repayment shall coincide with the  
553 restoration of the site to a productive use or the completion of the  
554 expansion. Such loans shall be for a period not to exceed twenty years.

555 (5) If the property is sold before loan repayment, the loan is payable  
556 upon closing, with interest, unless the commissioner agrees otherwise.  
557 The commissioner may carry the loan forward as an encumbrance to  
558 the purchaser with the same terms and conditions as the original loan.

559 (6) Loans made pursuant to this subsection may be used for any

560 purpose, including the present or past costs of investigation,  
561 assessment, remediation, abatement, hazardous materials or waste  
562 disposal, long-term groundwater or natural attenuation monitoring,  
563 costs associated with an environmental land use restriction, attorneys'  
564 fees, planning, engineering and environmental consulting costs, and  
565 building and structural issues, including demolition, asbestos  
566 abatement, polychlorinated biphenyls removal, contaminated wood or  
567 paint removal, and other infrastructure remedial activities.

568 (7) For any loan made pursuant to this subsection that is greater  
569 than fifty thousand dollars, the applicant shall submit a redevelopment  
570 plan that describes how the property will be used or reused for  
571 commercial, industrial, residential or mixed-use development and how  
572 it will result in jobs and private investment in the community. For any  
573 residential development loan pursuant to this subsection, the  
574 developer shall agree that the development will provide the affordable  
575 housing needs reasonable and appropriate for first-time home buyers  
576 or for workforce housing or recent college graduates looking to remain  
577 in this state.

578 (8) The loan program established pursuant to this subsection shall  
579 be available to all qualified new and existing property owners.  
580 Recipients who use loans for commercial, industrial or mixed-use  
581 development shall agree to retain or add jobs, during the term of the  
582 loan, unless otherwise agreed to by the Department of Economic and  
583 Community Development, Connecticut Innovations, Incorporated and  
584 the Connecticut Brownfield Redevelopment Authority. The residential  
585 developer shall agree to retire the loan upon sale of the units unless the  
586 development will be apartments.

587 (9) Each loan recipient pursuant to this subsection may be eligible  
588 for up to two million dollars per year for up to two years, subject to  
589 agency underwriting and reasonable and customary requirements to  
590 assure performance. If additional funds are needed, the Commissioner  
591 of Economic and Community Development may recommend that the

592 project be funded through the State Bond Commission.

593 (10) The loan program established pursuant to this subsection shall  
594 be available to all municipalities and economic development agencies,  
595 and the commissioner may modify the terms of any such loan to a  
596 municipality or economic development agency to provide for  
597 forgiveness of interest, principal, or both, or delay in repayment of  
598 interest, principal, or both, when the commissioner has determined  
599 such forgiveness or delay is in the best interest of the state.

600 (g) The Commissioner of Economic and Community Development  
601 shall approve applications submitted in accordance with subsection (c)  
602 of this section before awarding any financial assistance to an eligible  
603 applicant or purchasing any participation interest in a loan made by  
604 Connecticut Innovations, Incorporated for the benefit of an eligible  
605 applicant. Notwithstanding any other provision of this section, if the  
606 applicant's request for financial assistance involves the department  
607 purchasing a participation interest in a loan made by Connecticut  
608 Innovations, Incorporated, such authority may submit such  
609 application and other information as is required of eligible applicants  
610 under subsection (c) of this section on behalf of such eligible applicant  
611 and no further application shall be required of such eligible applicant.  
612 No financial assistance shall exceed fifty per cent of the total project  
613 cost, provided in the case of (1) planning or site evaluation projects,  
614 and (2) financial assistance to any project in a targeted investment  
615 community, such assistance shall not exceed ninety per cent of the  
616 project cost. Upon approval of the commissioner, a nonstate share of  
617 the total project cost, if any, may be satisfied entirely or partially from  
618 noncash contributions, including contributions of real property, from  
619 private sources or, to the extent permitted by federal law, from moneys  
620 received by the municipality under any federal grant program.

621 (h) Financial assistance may be made available for (1) site  
622 investigation and assessment, (2) planning and engineering, including,  
623 but not limited to, the reasonable cost of environmental consultants,

624 laboratory analysis, investigatory and remedial contractors, architects,  
625 attorneys' fees, feasibility studies, appraisals, market studies and  
626 related activities, (3) the acquisition of real property, provided  
627 financial assistance for such acquisition shall not exceed fair market  
628 value as appraised as if clean, (4) the construction of site and  
629 infrastructure improvements related to the site remediation, (5)  
630 demolition, asbestos abatement, hazardous waste removal, PCB  
631 removal and related infrastructure remedial activities, (6) remediation,  
632 groundwater monitoring, including, but not limited to, natural  
633 attenuation groundwater monitoring and costs associated with filing  
634 an environmental land use restriction, (7) environmental insurance,  
635 and (8) other reasonable expenses the commissioner determines are  
636 necessary or appropriate for the initiation, implementation and  
637 completion of the project. The department may purchase participation  
638 interests in loans made by Connecticut Innovations, Incorporated for  
639 the foregoing purposes.

640 (i) The commissioner may establish the terms and conditions of any  
641 financial assistance provided pursuant to subsections (a) to (k),  
642 inclusive, of this section. The commissioner may make any stipulation  
643 in connection with an offer of financial assistance the commissioner  
644 deems necessary to implement the policies and purposes of such  
645 sections, including, but not limited to the following: (1) Providing  
646 assurances that the eligible applicant will discharge its obligations in  
647 connection with the project; and (2) requiring that the eligible  
648 applicant provide the department with appropriate security for such  
649 financial assistance, including, but not limited to, a letter of credit, a  
650 lien on real property or a security interest in goods, equipment,  
651 inventory or other property of any kind.

652 (j) The commissioner may use any available funds for financial  
653 assistance under the provisions of subsections (a) to (k), inclusive, of  
654 this section and may use such funds for the staffing, marketing and  
655 web site development for the programs established pursuant to

656 subsections (a) to (k), inclusive, of this section and the administration  
657 of the Office of Brownfield Remediation and Development established  
658 pursuant to section 32-9cc, provided such costs do not exceed four per  
659 cent of any such funds authorized.

660 (k) Whenever funds are used pursuant to subsections (a) to (k),  
661 inclusive, of this section for purposes of environmental assessments or  
662 remediation of a brownfield, the Commissioner of Energy and  
663 Environmental Protection may seek reimbursement of the costs and  
664 expenses incurred by requesting the Attorney General to bring a civil  
665 action to recover such costs and expenses from any party responsible  
666 for such pollution, provided no such action shall be brought separately  
667 from any action to recover costs and expenses incurred by the  
668 Commissioner of Energy and Environmental Protection in pursuing  
669 action to contain, remove or mitigate any pollution on such site. The  
670 costs and expenses recovered may include, but shall not be limited to,  
671 (1) the actual cost of identifying, evaluating, planning for and  
672 undertaking the remediation of the site; (2) any administrative costs  
673 not exceeding ten per cent of the actual costs; (3) the costs of  
674 recovering the reimbursement; and (4) interest on the actual costs at a  
675 rate of ten per cent a year from the date such expenses were paid. The  
676 defendant in any civil action brought pursuant to this subsection shall  
677 have no cause of action or claim for contribution against any person  
678 with whom the Commissioner of Energy and Environmental  
679 Protection has entered into a covenant not to sue pursuant to sections  
680 22a-133aa and 22a-133bb with respect to pollution on or emanating  
681 from the property that is the subject of said civil action. Funds  
682 recovered pursuant to this section shall be deposited in the brownfield  
683 remediation and development account established pursuant to  
684 subsections (l) to (o), inclusive, of this section. The provisions of this  
685 subsection shall be in addition to any other remedies provided by law.

686 (l) There is established a separate nonlapsing account within the  
687 General Fund to be known as the "brownfield remediation and

688 development account". There shall be deposited in the account: (1) The  
689 proceeds of bonds issued by the state for deposit into said account and  
690 used in accordance with this section; (2) repayments of assistance  
691 provided pursuant to subsection (c) of section 22a-133u; (3) interest or  
692 other income earned on the investment of moneys in the account; (4)  
693 funds recovered pursuant to subsections (i) and (k) of this section; and  
694 (5) all funds required by law to be deposited in the account.  
695 Repayment of principal and interest on loans made pursuant to  
696 subsections (a) to (k), inclusive, of this section shall be credited to such  
697 account and shall become part of the assets of the account. Any  
698 balance remaining in such account at the end of any fiscal year shall be  
699 carried forward in the account for the fiscal year next succeeding.

700 (m) All moneys received in consideration of financial assistance,  
701 including payments of principal and interest on any loans, shall be  
702 credited to the account. At the discretion of the Commissioner of  
703 Economic and Community Development and subject to the approval  
704 of the Secretary of the Office of Policy and Management, any federal,  
705 private or other moneys received by the state in connection with  
706 projects undertaken pursuant to subsections (a) to (k), inclusive, of this  
707 section shall be credited to the assets of the account.

708 (n) Notwithstanding any provision of law, proceeds from the sale of  
709 bonds available pursuant to subdivision (1) of subsection (b) of section  
710 4-66c may, with the approval of the Governor and the State Bond  
711 Commission, be used to capitalize the brownfield remediation and  
712 development account created by subsections (l) to (o), inclusive, of this  
713 section.

714 (o) The commissioner may, with the approval of the Secretary of the  
715 Office of Policy and Management, provide financial assistance  
716 pursuant to subsections (a) to (k), inclusive, of this section from the  
717 account established under subsection (l) to (o), inclusive, of this  
718 section.]



719 Sec. 5. Section 32-9ee of the general statutes is repealed and the  
720 following is substituted in lieu thereof (*Effective July 1, 2013*):

721 (a) [Any municipality, economic development agency or entity  
722 established under chapter 130 or 132, nonprofit economic development  
723 corporation formed to promote the common good, general welfare and  
724 economic development of a municipality that is funded, either directly  
725 or through in-kind services, in part by a municipality, or a nonstock  
726 corporation or limited liability company controlled or established by a  
727 municipality, municipal economic development agency or entity  
728 created or operating under chapter 130 or 132 that receives grants  
729 through the Office of Brownfield Remediation and Development or the  
730 Department of Economic and Community Development, including  
731 those municipalities designated by the Commissioner of Economic and  
732 Community Development as part of the municipal brownfield grant  
733 program established in subsection (c) of section 32-9cc for the  
734 investigation and remediation of a brownfield property shall be  
735 considered an innocent party and] Any recipient of a grant pursuant to  
736 section 32-9kk, as amended by this act, or subsection (c) of section 32-  
737 9cc of the general statutes, revision of 1958, revised to January 1, 2013,  
738 shall not be liable under section 22a-427, 22a-432, 22a-433, 22a-451 or  
739 22a-452 for conditions pre-existing or existing on the brownfield  
740 property as of the date of acquisition or control, [as long as the  
741 municipality, economic development agency or entity established  
742 under chapter 130 or 132, nonprofit economic development  
743 corporation formed to promote the common good, general welfare and  
744 economic development of a municipality that is funded, either directly  
745 or through in-kind services, in part by a municipality, or a nonstock  
746 corporation or limited liability company controlled or established by a  
747 municipality, municipal economic development agency or entity  
748 created or operating under chapter 130 or 132] provided such recipient  
749 (1) did not establish, create, cause or contribute to the discharge,  
750 spillage, uncontrolled loss, seepage or filtration of such hazardous  
751 substance, material, waste or pollution that is subject to remediation

752 under section 22a-133k and funded by the Office of Brownfield  
753 Remediation and Development or the Department of Economic and  
754 Community Development; (2) does not exacerbate the conditions; and  
755 (3) complies with reporting of significant environmental hazard  
756 requirements in section 22a-6u, as amended by this act. To the extent  
757 that any conditions are exacerbated, [the municipality, economic  
758 development agency or entity established under chapter 130 or 132,  
759 nonprofit economic development corporation formed to promote the  
760 common good, general welfare and economic development of a  
761 municipality that is funded, either directly or through in-kind services,  
762 in part by a municipality, or nonstock corporation or limited liability  
763 company controlled or established by a municipality, municipal  
764 economic development agency or entity created or operating under  
765 chapter 130 or 132] such recipient shall only be responsible for  
766 responding to contamination exacerbated by its negligent or reckless  
767 activities.

768 (b) [In determining what funds shall be made available for an  
769 eligible brownfield remediation, the Commissioner of Economic and  
770 Community Development shall consider (1) the economic  
771 development opportunities such reuse and redevelopment may  
772 provide, (2) the feasibility of the project, (3) the environmental and  
773 public health benefits of the project, and (4) the contribution of the  
774 reuse and redevelopment to the municipality's tax base.] Upon  
775 remediation (1) as approved by the Department of Energy and  
776 Environmental Protection, or (2) in accordance with section 22a-133x,  
777 22a-134a, 32-99ll or 32-9mm, as amended by this act, of a brownfield  
778 property by a recipient of a grant pursuant to section 32-9kk, as  
779 amended by this act, such recipient may transfer the property to any  
780 person, provided such person is not otherwise liable under section 22a-  
781 427, 22a-432, 22a-433, 22a-451 or 22a-452 with respect to the property.  
782 Any person who acquires title pursuant to this section shall not be  
783 liable under section 22a-427, 22a-432, 22a-433, 22a-451 or 22a-452 with  
784 respect to preexisting conditions on the property, provided such

785 person (A) does not cause or contribute to the discharge, spillage,  
786 uncontrolled loss, seepage or filtration of such hazardous substance,  
787 material or waste, and (B) such person is not a member, officer,  
788 manager, director, shareholder, subsidiary, successor of, related to, or  
789 affiliated with, directly or indirectly, the person who is otherwise liable  
790 under section 22a-427, 22a-432, 22a-433, 22a-451 or 22a-452 with  
791 respect to the property. The Commissioner of Energy and  
792 Environmental Protection shall provide such person with a covenant  
793 not to sue pursuant to section 22a-133aa and shall not require the  
794 prospective purchaser or owner to pay a fee in exchange for such  
795 covenant.

796 (c) No person shall acquire title to or hold, possess or maintain any  
797 interest in a property that has been remediated [in accordance with the  
798 municipal brownfield grant program established in subsection (c) of  
799 section 32-9cc] with grant funds awarded pursuant to section 32-9kk,  
800 as amended by this act, if such person (1) is liable under section 22a-  
801 427, 22a-432, 22a-433, 22a-451 or 22a-452 [;] with respect to the  
802 property, (2) is otherwise responsible, directly or indirectly, for the  
803 discharge, spillage, uncontrolled loss, seepage or filtration of such  
804 hazardous substance, material or waste, [;] (3) is a member, officer,  
805 manager, director, shareholder, subsidiary, successor of, related to, or  
806 affiliated with, directly or indirectly, the person who is otherwise liable  
807 [to] under section 22a-427, 22a-432, 22a-433, 22a-451 or 22a-452 [;] with  
808 respect to the property, or (4) is or was an owner, operator or tenant of  
809 the property. If such person elects to acquire title to or hold, possess or  
810 maintain any interest in the property, that person shall reimburse the  
811 state of Connecticut, the municipality and the economic development  
812 agency for any and all costs expended to perform the investigation and  
813 remediation of the property, plus interest at a rate of eighteen per cent.

814 (d) Notwithstanding section 22a-134a, a recipient of a grant  
815 pursuant to section 32-9kk, as amended by this act, may acquire and  
816 convey its interest in the property without such recipient or the

817 subsequent purchaser incurring liability, including any such liability  
818 incurred pursuant to section 22a-134a, provided the property (1) was  
819 remediated pursuant to section 22a-133x, 22a-133y, 32-9ll or 32-9mm,  
820 as amended by this act, or pursuant to an order issued by the  
821 Commissioner of Energy and Environmental Protection and such  
822 remediation was (A) performed in accordance with the standards  
823 adopted pursuant to section 22a-133k, as determined by said  
824 commissioner, or (B) if authorized by said commissioner, verified by a  
825 licensed environmental professional unless such verification has been  
826 rejected by said commissioner subsequent to an audit conducted by  
827 said commissioner and provided the subsequent purchaser has no  
828 direct or related liability for the site conditions; and (2) is not an  
829 establishment, as defined in section 22a-134, based on business  
830 operations occurring after such recipient remediated the property.

831       Sec. 6. (NEW) (*Effective July 1, 2013*) (a) The Department of Economic  
832 and Community Development shall establish a targeted brownfield  
833 development loan program to provide low-interest loans for the  
834 eligible costs of brownfield remediation projects to potential  
835 brownfield purchasers and current brownfield owners who (1) have no  
836 direct or related liability for the conditions of the brownfield, and (2)  
837 seek to develop brownfields for purposes of reducing blight or for  
838 industrial, commercial, residential or mixed use development.

839       (b) Notwithstanding subsection (a) of this section, a current owner  
840 of a brownfield on which a manufacturing facility is located shall be  
841 eligible for a loan under this section, provided neither such owner nor  
842 any partner, member, officer, manager, director, shareholder,  
843 subsidiary or affiliate of such owner (1) is liable under section 22a-427,  
844 22a-432, 22a-433, 22a-451 or 22a-452 of the general statutes with respect  
845 to the property; (2) is otherwise responsible, directly or indirectly, for  
846 the discharge, spillage, uncontrolled loss, seepage or filtration of the  
847 hazardous substance, material or waste; (3) is a member, officer,  
848 manager, director, shareholder, subsidiary, successor of, or affiliated

849 with, directly or indirectly, the person who is otherwise liable under  
850 section 22a-427, 22a-432, 22a-433, 22a-451 or 22a-452 of the general  
851 statutes with respect to the property; or (4) has been found guilty of  
852 knowingly or wilfully violating any environmental law.

853 (c) An applicant for a loan pursuant to this section shall submit an  
854 application to the Commissioner of Economic and Community  
855 Development on forms provided by the commissioner and with such  
856 information the commissioner deems necessary, including, but not  
857 limited to: (1) A description of the proposed project; (2) an explanation  
858 of the expected benefits of the project in relation to the purposes of this  
859 section; (3) information concerning the financial and technical capacity  
860 of the applicant to undertake the proposed project; (4) a project budget;  
861 and (5) a description of the condition of the brownfield involved,  
862 including the results of any environmental assessment of the  
863 brownfield in the possession of or available to the applicant. The  
864 commissioner shall provide loans based upon project merit and  
865 viability, the economic and community development opportunity,  
866 municipal support, contribution to the community's tax base, past  
867 experience of the applicant, compliance history and ability to pay.

868 (d) If a loan recipient is not subject to section 22a-134a of the general  
869 statutes, such recipient shall enter a program for remediation of the  
870 property pursuant to either section 22a-133x, 22a-133y, 32-9ll or 32-  
871 9mm of the general statutes, as amended by this act, as determined by  
872 the commissioner.

873 (e) Loans made pursuant to this section shall have such terms and  
874 conditions and be subject to such eligibility and loan approval criteria  
875 as determined by the commissioner. Such loans shall be for a period  
876 not to exceed twenty years.

877 (f) If a loan recipient sells a property subject to a loan granted  
878 pursuant to this section before the loan is repaid, the loan shall be  
879 payable upon closing of such sale, according to its terms, unless the

880 commissioner agrees otherwise. The commissioner may carry the loan  
881 forward as an encumbrance to the purchaser with the same terms and  
882 conditions as the original loan.

883 (g) A loan recipient may be eligible for a loan of not more than two  
884 million dollars per year for not more than two years, subject to agency  
885 underwriting and reasonable and customary requirements to assure  
886 performance. If additional funds are required, the commissioner may  
887 recommend that the project be funded through other programs  
888 administered by the commissioner.

889 (h) The commissioner may modify the terms of any loan made to a  
890 municipality or economic development agency pursuant to this section  
891 to provide for forgiveness of interest, principal, or both, or delay in  
892 repayment of interest, principal, or both, when the commissioner  
893 determines such forgiveness or delay is in the best interest of the state.

894 (i) The provisions of sections 32-5a and 32-701 of the general statutes  
895 shall not apply to loans provided pursuant to this section.

896 Sec. 7. (NEW) (*Effective July 1, 2013*) The Commissioner of Economic  
897 and Community Development shall establish the terms and conditions  
898 of any financial assistance provided pursuant to section 32-9kk of the  
899 general statutes, as amended by this act, or section 6 of this act. The  
900 commissioner may make any stipulation in connection with an offer of  
901 financial assistance the commissioner deems necessary to implement  
902 the policies and purposes of section 32-9kk of the general statutes, as  
903 amended by this act, or section 6 of this act, including, but not limited  
904 to, (1) a requirement of assurance from a grant or loan recipient that  
905 such recipient will discharge its obligations in connection with the  
906 project, (2) a requirement that a grant or loan recipient provide the  
907 department with appropriate security for such financial assistance,  
908 including, but not limited to, a letter of credit, a lien on real property or  
909 a security interest in goods, equipment, inventory or other property of  
910 any kind, and (3) a requirement that a grant or loan recipient

911 reimburse the state for such financial assistance in the event that it  
912 receives funds for remediation from other sources.

913       Sec. 8. (NEW) (*Effective July 1, 2013*) (a) Whenever funds are used  
914 pursuant to section 32-9kk of the general statutes, as amended by this  
915 act, or section 6 of this act, for purposes of environmental assessments  
916 or remediation of a brownfield, the Commissioner of Energy and  
917 Environmental Protection may seek reimbursement of the costs and  
918 expenses incurred by requesting the Attorney General to bring a civil  
919 action to recover such costs and expenses from any party responsible  
920 for such pollution, provided no such action shall be brought separately  
921 from any action to recover costs and expenses incurred by the  
922 Commissioner of Energy and Environmental Protection in pursuing  
923 action to contain, remove or mitigate any pollution on such site. The  
924 costs and expenses recovered in an action brought pursuant to this  
925 section may include, but shall not be limited to: (1) The actual cost of  
926 identifying, evaluating, planning for and undertaking the remediation  
927 of the site; (2) any administrative costs not exceeding ten per cent of  
928 the actual costs; (3) the costs of recovering the reimbursement; and (4)  
929 interest on the actual costs at a rate of ten per cent per year from the  
930 date such expenses were paid.

931       (b) The defendant in any civil action brought pursuant to this  
932 subsection shall have no cause of action or claim for contribution  
933 against any person with whom the Commissioner of Energy and  
934 Environmental Protection has entered into a covenant not to sue  
935 pursuant to section 22a-133aa or 22a-133bb of the general statutes with  
936 respect to pollution on or emanating from the property that is the  
937 subject of said civil action.

938       (c) Any funds recovered pursuant to this section shall be deposited  
939 in the brownfield remediation and development account established  
940 pursuant to section 3 of this act. The provisions of this section shall be  
941 in addition to any other remedies provided by law.

942 Sec. 9. Section 32-9ll of the general statutes is repealed and the  
943 following is substituted in lieu thereof (*Effective July 1, 2013*):

944 (a) There is established an abandoned brownfield cleanup program.  
945 The Commissioner of Economic and Community Development shall  
946 determine, in consultation with the Commissioner of Energy and  
947 Environmental Protection, properties and persons eligible for said  
948 program.

949 (b) For a person [, a municipality] or a property to be eligible, the  
950 Commissioner of Economic and Community Development shall  
951 determine if (1) the property is a brownfield, as defined in section [32-  
952 9kk, and such property] 1 of this act, that has been unused or  
953 significantly underused for at least five years before an application is  
954 filed with the commissioner pursuant to subsection [(g)] (h) of this  
955 section; (2) such person [or municipality] intends to acquire title to  
956 such property for the purpose of redeveloping such property; (3) the  
957 redevelopment of such property has a regional or municipal economic  
958 development benefit; (4) such person [or municipality] did not  
959 establish or create a facility or condition at or on such property that can  
960 reasonably be expected to create a source of pollution to the waters of  
961 the state for the purposes of section 22a-432 and is not affiliated with  
962 any person responsible for such pollution or source of pollution  
963 through any direct or indirect familial relationship or any contractual,  
964 corporate or financial relationship other than a relationship by which  
965 such owner's interest in such property is to be conveyed or financed;  
966 (5) such person [or municipality] is not otherwise required by law, an  
967 order or consent order issued by the Commissioner of Energy and  
968 Environmental Protection or a stipulated judgment to remediate  
969 pollution on or emanating from such property; (6) the person  
970 responsible for pollution on or emanating from the property is  
971 indeterminable, is no longer in existence, is required by law to  
972 remediate releases on and emanating from the property or is otherwise  
973 unable to perform necessary remediation of such property; and (7) the



974 property and the person meet any other criteria said commissioner  
975 deems necessary.

976 [(c) For the purposes of this section, "municipality" means a  
977 municipality, economic development agency or entity established  
978 under chapter 130 or 132, nonprofit economic development  
979 corporation formed to promote the common good, general welfare and  
980 economic development of a municipality that is funded, either directly  
981 or through in-kind services, in part by a municipality, or a nonstock  
982 corporation or limited liability company controlled or established by a  
983 municipality, municipal economic development agency or entity  
984 created or operating under chapter 130 or 132.]

985 [(d)] (c) Notwithstanding the provisions of subsection (b) of this  
986 section, a property owned by a municipality shall not be subject to  
987 subdivision (6) of subsection (b) of this section.

988 [(e)] (d) Notwithstanding the provisions of subsection (b) of this  
989 section, a municipality may request the Commissioner of Economic  
990 and Community Development to determine if a property is eligible  
991 regardless of the person who currently owns such property.

992 [(f)] (e) Notwithstanding subsection (b) of this section, the  
993 Commissioner of Economic and Community Development may waive  
994 the requirement of subdivision (1) of subsection (b) of this section, if  
995 the person [or municipality] seeking eligibility under this section  
996 otherwise demonstrates the eligibility of the property and the value of  
997 the redevelopment of such property.

998 [(g)] (f) Upon designation by the Commissioner of Economic and  
999 Community Development, in consultation with the Commissioner of  
1000 Energy and Environmental Protection, of an eligible person [or  
1001 municipality that] who holds title to such property, such eligible  
1002 person [, or municipality] shall (1) enter and remain in the voluntary  
1003 remediation program established in section 22a-133x; (2) investigate

1004 pollution on such property in accordance with prevailing standards  
1005 and guidelines and remediate pollution on such property in  
1006 accordance with regulations established for remediation adopted by  
1007 the Commissioner of Energy and Environmental Protection and in  
1008 accordance with applicable schedules; and (3) eliminate further  
1009 emanation or migration of any pollution from such property.

1010 [(h)] (g) An eligible person [or municipality that] who has been  
1011 accepted by the commissioner or that holds title to an eligible property  
1012 designated to be in the abandoned brownfield cleanup program shall  
1013 not be responsible for investigating or remediating any pollution or  
1014 source of pollution that has emanated from such property prior to such  
1015 person taking title to such property, and shall not be liable to the state  
1016 or any [third party] person for the release of any regulated substance at  
1017 or from the eligible property prior to taking title to such eligible  
1018 property except and only to the extent that such applicant caused or  
1019 contributed to the release of a regulated substance that is subject to  
1020 remediation or negligently or recklessly exacerbated such condition.

1021 [(i)] (h) Any applicant seeking a designation of eligibility for a  
1022 person or a property under the abandoned brownfield cleanup  
1023 program shall apply to the Commissioner of Economic and  
1024 Community Development at such times and on such forms as the  
1025 commissioner may prescribe.

1026 [(j)] (i) Not later than sixty days after receipt of the application, the  
1027 Commissioner of Economic and Community Development shall  
1028 determine if the application is complete and shall notify the applicant  
1029 of such determination.

1030 [(k)] (j) Not later than ninety days after determining that the  
1031 application is complete, the Commissioner of Economic and  
1032 Community Development shall determine whether to include the  
1033 property and applicant in the abandoned brownfield cleanup program.

1034       [(l)] (k) Designation of a property in the abandoned brownfield  
1035 cleanup program by the Commissioner of Economic and Community  
1036 Development shall not limit the applicant's or any other person's  
1037 ability to seek funding for such property under any other brownfield  
1038 grant or loan program administered by the Department of Economic  
1039 and Community Development, Connecticut Innovations, Incorporated  
1040 or the Department of Energy and Environmental Protection.

1041       [(m)] (l) Designation of a property in the abandoned brownfield  
1042 cleanup program by the Commissioner of Economic and Community  
1043 Development shall exempt such eligible person [or eligible  
1044 municipality] from filing as an establishment pursuant to sections 22a-  
1045 134a to 22a-134d, inclusive, if such real property or prior business  
1046 operations constitute an establishment.

1047       [(n)] (m) Upon completion of the requirements of subsection [(g)] (f)  
1048 of this section to the satisfaction of the Commissioner of Energy and  
1049 Environmental Protection, such person [or municipality] shall qualify  
1050 for a covenant not to sue from the Commissioner of Energy and  
1051 Environmental Protection without fee, pursuant to section 22a-133aa,  
1052 as amended by this act.

1053       [(o)] (n) Any person [or municipality] designated as an eligible  
1054 person under the abandoned brownfield cleanup program [shall be  
1055 considered an innocent party and] shall not be liable to the  
1056 Commissioner of Energy and Environmental Protection or any person  
1057 under section 22a-432, 22a-433, 22a-451 or 22a-452 or other similar  
1058 statute or common law for conditions preexisting or existing on the  
1059 brownfield property as of the date of acquisition or control as long as  
1060 the person [or municipality] (1) did not establish, cause or contribute to  
1061 the discharge, spillage, uncontrolled loss, seepage or filtration of such  
1062 hazardous substance, material, waste or pollution; (2) does not  
1063 exacerbate the conditions; and (3) complies with reporting of  
1064 significant environmental hazard requirements in section 22a-6u, as  
1065 amended by this act. To the extent that any conditions are exacerbated,

1066 the person [or municipality] shall only be responsible for responding  
1067 to contamination exacerbated by its negligent or reckless activities.

1068 [(p)] (o) Any person [or municipality that] who acquires a property  
1069 in the abandoned brownfield cleanup program shall apply to the  
1070 Commissioner of Economic and Community Development on a form  
1071 prescribed by [said] the commissioner to determine if such person [or  
1072 municipality] qualifies as an eligible party under the abandoned  
1073 brownfield cleanup program. If the [Commissioner of Economic and  
1074 Community Development] commissioner determines that such person  
1075 [or municipality] is an eligible party, such eligible party shall be  
1076 subject to the provisions of this section, and shall receive liability relief  
1077 pursuant to subsections [(h), (m), (n) and (o)] (g), (l), (m) and (n) of this  
1078 section.

1079 Sec. 10. Section 32-9mm of the general statutes is repealed and the  
1080 following is substituted in lieu thereof (*Effective July 1, 2013*):

1081 [(a) As used in this section:

1082 (1) "Bona fide prospective purchaser" means a person that acquires  
1083 ownership of a property after July 1, 2011, and establishes by a  
1084 preponderance of the evidence that:

1085 (A) All disposal of regulated substances at the property occurred  
1086 before the person acquired the property;

1087 (B) Such person made all appropriate inquiries, as set forth in 40  
1088 CFR Part 312, into the previous ownership and uses of the property in  
1089 accordance with generally accepted good commercial and customary  
1090 standards and practices, including, but not limited to, the standards  
1091 and practices set forth in the ASTM Standard Practice for  
1092 Environmental Site Assessments, Phase I Environmental Site  
1093 Assessment Process, E1527-05, as may be amended from time to time.  
1094 In the case of property in residential or other similar use at the time of  
1095 purchase by a nongovernmental or noncommercial entity, a property

1096 inspection and a title search that reveal no basis for further  
1097 investigation shall be considered to satisfy the requirements of this  
1098 subparagraph;

1099 (C) Such person provides all legally required notices with respect to  
1100 the discovery or release of any regulated substances at the property;

1101 (D) Such person exercises appropriate care with respect to regulated  
1102 substances found at the property by taking reasonable steps to (i) stop  
1103 any continuing release, (ii) prevent any threatened future release, and  
1104 (iii) prevent or limit human, environmental or natural resource  
1105 exposure to any previously released regulated substance;

1106 (E) Such person provides full cooperation, assistance and access to  
1107 persons authorized to conduct response actions or natural resource  
1108 restoration at the property, including, but not limited to, the  
1109 cooperation and access necessary for the installation, integrity,  
1110 operation and maintenance of any complete or partial response actions  
1111 or natural resource restoration at the property;

1112 (F) Such person complies with any land use restrictions established  
1113 or relied on in connection with the response action at the property and  
1114 does not impede the effectiveness or integrity of any institutional  
1115 control employed at the property in connection with a response action;  
1116 and

1117 (G) Such person complies with any request for information from the  
1118 Commissioner of Energy and Environmental Protection.

1119 (2) "Brownfield" has the same meaning as provided in section 32-  
1120 9kk.

1121 (3) "Brownfield investigation plan and remediation schedule" means  
1122 a plan and schedule for investigation and a schedule for remediation  
1123 of an eligible property under this section. Such investigation plan and  
1124 remediation schedule shall include both interim status or other

1125 appropriate interim target dates and a date for project completion not  
1126 later than eight years after a licensed environmental professional  
1127 submits such investigation plan and remediation schedule to the  
1128 Commissioner of Energy and Environmental Protection, provided the  
1129 Commissioner of Energy and Environmental Protection may extend  
1130 such dates for good cause. The plan shall provide a schedule for  
1131 activities including, but not limited to, completion of the investigation  
1132 of the property in accordance with prevailing standards and  
1133 guidelines, submittal of a complete investigation report, submittal of a  
1134 detailed written plan for remediation, publication of notice of remedial  
1135 actions, completion of remediation in accordance with standards  
1136 adopted by said commissioner pursuant to section 22a-133k and  
1137 submittal to said commissioner of a remedial action report. Except as  
1138 otherwise provided in this section, in any detailed written plan for  
1139 remediation submitted under this section, the applicant shall only be  
1140 required to investigate and remediate conditions existing within the  
1141 property boundaries and shall not be required to investigate or  
1142 remediate any pollution or contamination that exists outside of the  
1143 property's boundaries, including any contamination that may exist or  
1144 has migrated to sediments, rivers, streams or off site.

1145 (4) "Commissioner" means the Commissioner of Economic and  
1146 Community Development.

1147 (5) "Contiguous property owner" means a person who owns real  
1148 property contiguous to or otherwise similarly situated with respect to,  
1149 and that is or may be contaminated by a release or threatened release  
1150 of a regulated substance from, real property that is not owned by that  
1151 person, provided:

1152 (A) With respect to the property owned by such person, such person  
1153 takes reasonable steps to (i) stop any continuing release of any  
1154 regulated substance released on or from the property, (ii) prevent any  
1155 threatened future release of any regulated substance released on or  
1156 from the property, and (iii) prevent or limit human, environmental or

1157 natural resource exposure to any regulated substance released on or  
1158 from the property;

1159 (B) Such person provides full cooperation, assistance and access to  
1160 persons authorized to conduct response actions or natural resource  
1161 restoration at the property from which there has been a release or  
1162 threatened release, including, but not limited to, the cooperation and  
1163 access necessary for the installation, integrity, operation and  
1164 maintenance of any complete or partial response action or natural  
1165 resource restoration at the property;

1166 (C) Such person complies with any land use restrictions established  
1167 or relied on in connection with the response action at the property and  
1168 does not impede the effectiveness or integrity of any institutional  
1169 control employed in connection with a response action;

1170 (D) Such person complies with any request for information from the  
1171 Commissioner of Energy and Environmental Protection; and

1172 (E) Such person provides all legally required notices with respect to  
1173 the discovery or release of any hazardous substances at the property.

1174 (6) "Distressed municipality" has the same meaning as provided in  
1175 section 32-9p.

1176 (7) "Economic development agency" means a municipality,  
1177 municipal economic development agency or entity created or  
1178 operating under chapter 130 or 132, nonprofit economic development  
1179 corporation formed to promote the common good, general welfare and  
1180 economic development of a municipality that is funded, either directly  
1181 or through in-kind services, in part by a municipality, or nonstock  
1182 corporation or limited liability company established or controlled by a  
1183 municipality, municipal economic development agency or entity  
1184 created or operating under chapter 130 or 132.

1185 (8) "Innocent landowner" has the same meaning as provided in

1186 section 22a-452d.

1187 (9) "Interim verification" has the same meaning as provided in  
1188 section 22a-134.

1189 (10) "Municipality" has the same meaning as in section 32-9kk.

1190 (11) "National priorities list" means the list of hazardous waste  
1191 disposal sites compiled by the United States Environmental Protection  
1192 Agency pursuant to 42 USC 9605.

1193 (12) "PCB regulations" means the polychlorinated biphenyls  
1194 manufacturing, processing, distribution in commerce and use  
1195 prohibitions found at 40 CFR Part 761.

1196 (13) "Person" means any individual, firm, partnership, association,  
1197 syndicate, company, trust, corporation, limited liability company,  
1198 municipality, economic development agency, agency or political or  
1199 administrative subdivision of the state and any other legal entity.

1200 (14) "Principles of smart growth" means standards and objectives  
1201 that support and encourage smart growth when used to guide actions  
1202 and decisions, including, but not limited to, standards and criteria for  
1203 (A) integrated planning or investment that coordinates tax,  
1204 transportation, housing, environmental and economic development  
1205 policies at the state, regional and local level, (B) the reduction of  
1206 reliance on the property tax by municipalities by creating efficiencies  
1207 and coordination of services on the regional level while reducing  
1208 interlocal competition for grand list growth, (C) the redevelopment of  
1209 existing infrastructure and resources, including, but not limited to,  
1210 brownfields and historic places, (D) transportation choices that  
1211 provide alternatives to automobiles, including rail, public transit,  
1212 bikeways and walking, while reducing energy consumption, (E) the  
1213 development or preservation of housing affordable to households of  
1214 varying income in locations proximate to transportation or  
1215 employment centers or locations compatible with smart growth, (F)



1216 concentrated, mixed-use, mixed income development proximate to  
1217 transit nodes and civic, employment or cultural centers, and (G) the  
1218 conservation and protection of natural resources by (i) preserving open  
1219 space, water resources, farmland, environmentally sensitive areas and  
1220 historic properties, and (ii) furthering energy efficiency.

1221 (15) "Regulated substance" means any element, compound or  
1222 material that, when added to air, water, soil or sediment, may alter the  
1223 physical, chemical, biological or other characteristic of such air, water,  
1224 soil or sediment.

1225 (16) "Release" means any discharge, spillage, uncontrolled loss,  
1226 seepage, filtration, leakage, injection, escape, dumping, pumping,  
1227 pouring, emitting, emptying or disposal of a substance.

1228 (17) "Remediation standards" has the same meaning as provided in  
1229 section 22a-134.

1230 (18) "RCRA" means the Resource Conservation and Recovery Act  
1231 promulgated pursuant to 42 USC.

1232 (19) "Smart growth" means economic, social and environmental  
1233 development that (A) promotes, through financial and other  
1234 incentives, economic competitiveness in the state while preserving  
1235 natural resources, and (B) uses a collaborative approach to planning,  
1236 decision-making and evaluation between and among all levels of  
1237 government and the communities and the constituents they serve.

1238 (20) "State of Connecticut Superfund Priority List" means the list of  
1239 hazardous waste disposal sites compiled by the Connecticut  
1240 Department of Energy and Environmental Protection pursuant to  
1241 section 22a-133f.

1242 (21) "Transit-oriented development" has the same meaning as  
1243 provided in section 13b-79o.

1244 (22) "UST regulations" means regulations adopted pursuant to  
1245 subsection (d) of section 22a-449.

1246 (23) "Verification" has the same meaning as provided in section 22a-  
1247 134.]

1248 [(b)] (a) The commissioner shall, within available appropriations,  
1249 establish a brownfield remediation and revitalization program to  
1250 provide certain liability protections to program participants. Not more  
1251 than thirty-two properties [a] per year shall be accepted into the  
1252 program. Participation in the program shall be by accepted application  
1253 pursuant to this subsection or by approved nomination pursuant to  
1254 subsection [(d)] (c) of this section. To be considered for acceptance, an  
1255 applicant shall submit to the commissioner, on a form prescribed by  
1256 the commissioner, a certification that: (1) The applicant meets the  
1257 definition of a bona fide prospective purchaser, innocent [land owner]  
1258 landowner or contiguous property owner; (2) the property meets the  
1259 definition of a brownfield and has been subject to a release of a  
1260 regulated substance in an amount that is in excess of the remediation  
1261 standards; (3) the applicant did not establish, create or maintain a  
1262 source of pollution to the waters of the state for purposes of section  
1263 22a-432 and is not responsible pursuant to any other provision of the  
1264 general statutes for any pollution or source of pollution on the  
1265 property; (4) the applicant is not affiliated with any person responsible  
1266 for such pollution or source of pollution through any direct or indirect  
1267 familial relationship or any contractual, corporate or financial  
1268 relationship other than that by which such purchaser's interest in such  
1269 property is to be conveyed or financed; and (5) the property is not (A)  
1270 currently the subject of an enforcement action, including any consent  
1271 order issued by the Department of Energy and Environmental  
1272 Protection or the United States Environmental Protection Agency  
1273 under any current Department of Energy and Environmental  
1274 Protection or United States Environmental Protection Agency  
1275 program, (B) listed on the national priorities list [,] of hazardous waste

1276 disposal sites compiled by the United States Environmental Protection  
1277 Agency pursuant to 42 USC 9605, (C) listed on the State of Connecticut  
1278 Superfund Priority List, or (D) subject to corrective action as may be  
1279 required by [RCRA] the federal Resource Conservation and Recovery  
1280 Act of 1976, 42 USC 6901 et seq. The commissioner may review such  
1281 certifications to ensure accuracy, in consultation with the  
1282 Commissioner of Energy and Environmental Protection, and  
1283 applications will not be considered if such certifications are found  
1284 inaccurate.

1285 [(c)] (b) To ensure a geographic distribution and a diversity of  
1286 projects and broad access to the brownfield remediation and  
1287 revitalization program, the commissioner, in consultation with the  
1288 Commissioner of Energy and Environmental Protection, shall review  
1289 all applications received and determine admission of eligible  
1290 properties into the brownfield remediation and revitalization program  
1291 taking into consideration state-wide portfolio factors including: (1) Job  
1292 creation and retention; (2) sustainability; (3) readiness to proceed; (4)  
1293 geographic distribution of projects; (5) population of the municipality  
1294 where the property is located; (6) project size; (7) project complexity;  
1295 (8) duration and degree to which the property has been underused; (9)  
1296 projected increase to the municipal grand list; (10) consistency of the  
1297 property as remediated and developed with municipal or regional  
1298 planning objectives; (11) development plan's support for and  
1299 furtherance of principles of smart growth, as defined in section 1 of  
1300 public act 09-230, or transit-oriented development, as defined in  
1301 section 13b-79o; and (12) other factors as may be determined by the  
1302 commissioner. Admittance into the brownfield remediation and  
1303 revitalization program shall not indicate approval or award of funding  
1304 requested under any federal, state or municipal grant or loan program,  
1305 including, but not limited to, any state brownfield grant or loan  
1306 program.

1307 [(d)] (c) The commissioner shall accept nominations of properties for

1308 participation in the program established pursuant to subsection [(b)]  
1309 (a) of this section by a municipality or an economic development  
1310 agency, where no bona fide prospective purchaser, contiguous  
1311 property owner or innocent [land owner] landowner has applied for  
1312 participation in the program. For a property to be considered for  
1313 approval for nomination to the program established pursuant to this  
1314 section, a municipality shall submit to the commissioner, on a form  
1315 prescribed by the commissioner, a certification that the property meets  
1316 the eligibility requirements provided in subdivisions (2) and (5) of  
1317 subsection [(b)] (a) of this section and any other relevant factors,  
1318 including state-wide portfolio factors provided in subsection [(c)] (b) of  
1319 this section, as may be determined by the commissioner. After the  
1320 commissioner approves a property's nomination, any subsequent  
1321 applicant shall apply in accordance with subsections [(b) and (g)] (a)  
1322 and (f) of this section. In any such application, the applicant shall  
1323 demonstrate it satisfies the eligibility requirements provided in  
1324 subdivisions (1), (3) and (4) of subsection [(b)] (a) of this section and  
1325 shall demonstrate satisfaction of subdivisions (2) and (5) of subsection  
1326 [(b)] (a) of this section for the period after the commissioner's  
1327 acceptance of the municipality's or economic development agency's  
1328 nomination of the property.

1329 [(e)] (d) (1) Properties otherwise eligible for the brownfield  
1330 remediation and revitalization program currently being investigated  
1331 and remediated in accordance with the state voluntary remediation  
1332 programs under sections 22a-133x and 22a-133y, the property transfer  
1333 program under section 22a-134, as amended by this act, and the  
1334 covenant not to sue programs under section 22a-133aa or 22a-133bb  
1335 shall not be excluded from eligibility in said program, provided the  
1336 other requirements set forth in this section are met.

1337 (2) Properties otherwise eligible for the brownfield remediation and  
1338 revitalization program that have been subject to a release requiring  
1339 action pursuant to the PCB regulations or that have been subject to a

1340 release requiring action pursuant to the UST regulations shall not be  
1341 deemed ineligible, but no provision of this section shall affect any  
1342 eligible party's obligation under such regulations to investigate or  
1343 remediate the extent of any such release.

1344     ~~[(f)]~~ (e) Inclusion of a property within the brownfield remediation  
1345 and revitalization program by the commissioner shall not limit any  
1346 person's ability to seek funding for such property under any federal,  
1347 state or municipal grant or loan program, including, but not limited to,  
1348 any state brownfield grant or loan program. Admittance into the  
1349 brownfield remediation and revitalization program shall not indicate  
1350 approval or award of funding requested under any federal, state or  
1351 municipal grant or loan program, including, but not limited to, any  
1352 state brownfield grant or loan program.

1353     ~~[(g)]~~ (f) Any applicant seeking a designation of eligibility for a  
1354 person or a property under the brownfield remediation and  
1355 revitalization program shall apply to the commissioner at such times  
1356 and on such forms as the commissioner may prescribe. The application  
1357 shall include, but not be limited to, (1) a title search, (2) the Phase I  
1358 Environmental Site Assessment conducted by or for the bona fide  
1359 prospective purchaser or the contiguous property owner, which shall  
1360 be prepared in accordance with prevailing standards and guidelines,  
1361 (3) a current property inspection, (4) documentation demonstrating  
1362 satisfaction of the eligibility criteria set forth in subsection ~~[(b)]~~ (a) of  
1363 this section, (5) information about the project that relates to the state-  
1364 wide portfolio factors set forth in subsection ~~[(c)]~~ (b) of this section,  
1365 and (6) such other information as the commissioner may request to  
1366 determine admission.

1367     ~~[(h)]~~ (g) Any applicant accepted into the brownfield remediation  
1368 and revitalization program by the commissioner shall pay the  
1369 Commissioner of Energy and Environmental Protection a fee equal to  
1370 five per cent of the assessed value of the land, as stated on the last-  
1371 completed grand list of the relevant town. The fee shall be paid in two

1372 installments, each equal to fifty per cent of such fee, subject to potential  
1373 reductions as specified in subsection [(i)] (h) of this section. The first  
1374 installment shall be due not later than one hundred eighty days after  
1375 the later of the date [the eligible] such applicant is notified that the  
1376 application has been accepted by the commissioner or the date that  
1377 [the eligible] such applicant takes title to the eligible property. The  
1378 second installment shall be due not later than four years after the  
1379 acceptance date. Upon request by [an eligible] such applicant, a  
1380 municipality or an economic development agency, the commissioner  
1381 may, at the commissioner's discretion, extend either or both of the  
1382 installment due dates. Such fee shall be deposited into the Special  
1383 Contaminated Property Remediation and Insurance Fund established  
1384 pursuant to section 22a-133t and shall be available for use by the  
1385 Commissioner of Energy and Environmental Protection pursuant to  
1386 section 22a-133u, as amended by this act.

1387 [(i)] (h) (1) The first installment of the fee in subsection [(h)] (g) of  
1388 this section shall be reduced by ten per cent for any eligible party that  
1389 completes and submits to the Commissioner of Energy and  
1390 Environmental Protection documentation, approved in writing by a  
1391 licensed environmental professional and on a form prescribed by said  
1392 commissioner, that the investigation of the property has been  
1393 completed in accordance with prevailing standards and guidelines  
1394 within one hundred eighty days after the date the application is  
1395 accepted by the commissioner.

1396 (2) The second installment of the fee in subsection [(h)] (g) of this  
1397 section shall be eliminated for any eligible party that submits the  
1398 remedial action report and verification or interim verification to the  
1399 Commissioner of Energy and Environmental Protection within four  
1400 years after the date the application is accepted by the commissioner. In  
1401 the event an eligible party submits a request for the Commissioner of  
1402 Energy and Environmental Protection's approval, where such approval  
1403 is required pursuant to the remediation standard and where said

1404 commissioner issues a decision on such request beyond sixty days  
1405 after submittal, such four-year period shall be extended by the number  
1406 of days equal to the number of days between the sixtieth day and the  
1407 date a decision is issued by said commissioner, but not including the  
1408 number of days that a request by said commissioner for supplemental  
1409 information remains pending with the eligible party.

1410 (3) The second installment of the fee in subsection [(h)] (g) of this  
1411 section shall be reduced by, or any eligible party shall receive a refund  
1412 in the amount equal to, twice the reasonable environmental service  
1413 costs of such investigation, as determined by the Commissioner of  
1414 Energy and Environmental Protection, for any eligible party that  
1415 completes and submits to the Commissioner of Energy and  
1416 Environmental Protection documentation, approved in writing by a  
1417 licensed environmental professional and on a form that may be  
1418 prescribed by said commissioner, that the investigation of the nature  
1419 and extent of any contamination that has migrated from the property  
1420 has been completed in accordance with prevailing standards and  
1421 guidelines. Such refund shall not exceed the amount of the second  
1422 installment of the fee in subsection [(h)] (g) of this section.

1423 (4) No municipality or economic development agency seeking  
1424 designation of eligibility shall be required to pay a fee, provided, upon  
1425 transfer of the eligible property from the municipality or economic  
1426 development agency to an eligible person, that eligible person shall  
1427 pay to the Commissioner of Energy and Environmental Protection the  
1428 fee in subsection [(h)] (g) of this section in accordance with the  
1429 applicable requirements in this subsection.

1430 (5) A municipality or economic development agency may submit a  
1431 fee waiver request to the commissioner to waive a portion or the entire  
1432 fee for an eligible property located within that municipality. The  
1433 commissioner, at his or her discretion, shall consider the following  
1434 factors in determining whether to approve a fee waiver or reduction:  
1435 (A) Location of the [eligible project] brownfield within a distressed

1436 municipality, as defined in section 32-9p; (B) demonstration by the  
1437 municipality or economic development agency that the project is of  
1438 significant economic impact; (C) demonstration by the municipality or  
1439 economic development agency that the project has a significant  
1440 community benefit to the municipality; (D) demonstration that the  
1441 eligible party is a governmental or nonprofit entity; and (E)  
1442 demonstration that the fee required will have a detrimental effect on  
1443 the overall success of the project.

1444 [(j)] (i) An applicant whose application has been accepted into the  
1445 brownfield remediation and revitalization program shall not be liable  
1446 to the state or any [third party] person for the release of any regulated  
1447 substance at or from the eligible property, except and only to the  
1448 extent that such applicant (A) caused or contributed to the release of a  
1449 regulated substance that is subject to remediation or exacerbated such  
1450 condition, or (B) the Commissioner of Energy and Environmental  
1451 Protection determines the existence of any of the conditions set forth in  
1452 subdivision (4) of subsection [(n)] (m) of this section.

1453 [(k)] (j) (1) An applicant whose application to the brownfield  
1454 remediation and revitalization program has been accepted by the  
1455 commissioner (A) shall investigate the release or threatened release of  
1456 any regulated substance within the boundaries of the property in  
1457 accordance with prevailing standards and guidelines and remediate  
1458 such release or threatened release within the boundaries of such  
1459 property in accordance with the brownfield investigation plan and  
1460 remediation schedule and this section, and (B) shall not be required to  
1461 characterize, abate and remediate the release of a regulated substance  
1462 beyond the boundary of the eligible property, except for releases  
1463 caused or contributed to by such applicant.

1464 (2) Not later than one hundred eighty days after the first installment  
1465 due date, including any extension thereof by the commissioner, of the  
1466 fee required pursuant to subsection [(h)] (g) of this section, the eligible  
1467 party shall submit to the commissioner and the Commissioner of



1468 Energy and Environmental Protection a brownfield investigation plan  
1469 and remediation schedule that is signed and stamped by a licensed  
1470 environmental professional. Unless otherwise approved in writing by  
1471 the Commissioner of Energy and Environmental Protection, [the  
1472 eligible party shall submit a] such brownfield investigation plan and  
1473 remediation schedule [which provides] shall provide that (A) the  
1474 investigation shall be completed not later than two years after the first  
1475 installment due date, including any extension thereof by the  
1476 commissioner, of the fee required pursuant to subsection [(h)] (g) of  
1477 this section, (B) remediation shall be initiated not later than three years  
1478 from the first installment due date, including any extension thereof by  
1479 the commissioner, of the fee required pursuant to subsection [(h)] (g)  
1480 of this section, and (C) remediation shall be completed sufficiently to  
1481 support either a verification or interim verification not later than eight  
1482 years after the first installment due date, including any extension  
1483 thereof by the commissioner, of the fee required pursuant to  
1484 subsection [(h)] (g) of this section. The schedule shall also include a  
1485 schedule for providing public notice of the remediation prior to the  
1486 initiation of such remediation in accordance with subdivision (1) of  
1487 subsection [(k)] (j) of this section. Not later than two years after the first  
1488 installment due date, including any extension thereof by the  
1489 commissioner, of the fee required pursuant to subsection [(h)] (g) of  
1490 this section, unless the Commissioner of Energy and Environmental  
1491 Protection has specified a later day, in writing, the eligible party shall  
1492 submit to the Commissioner of Energy and Environmental Protection  
1493 documentation, approved in writing by a licensed environmental  
1494 professional and in a form prescribed by the Commissioner of Energy  
1495 and Environmental Protection, that the investigation of the property  
1496 has been completed in accordance with prevailing standards and  
1497 guidelines. Not later than three years after the first installment due  
1498 date, including any extension thereof by the commissioner, of the fee  
1499 required pursuant to subsection [(h)] (g) of this section, unless the  
1500 Commissioner of Energy and Environmental Protection has specified a  
1501 later day, in writing, the eligible party shall notify the Commissioner of

1502 Energy and Environmental Protection and the commissioner in a form  
1503 prescribed by the Commissioner of Energy and Environmental  
1504 Protection that the remediation has been initiated, and shall submit to  
1505 the Commissioner of Energy and Environmental Protection a remedial  
1506 action plan, approved in writing by a licensed environmental  
1507 professional in a form prescribed by the Commissioner of Energy and  
1508 Environmental Protection. Not later than eight years after the first  
1509 installment due date, including any extension thereof by the  
1510 commissioner, of the fee required pursuant to subsection [(h)] (g) of  
1511 this section, unless the Commissioner of Energy and Environmental  
1512 Protection has specified a later day, in writing, the eligible party shall  
1513 complete remediation of the property and submit the remedial action  
1514 report and verification or interim verification to the Commissioner of  
1515 Energy and Environmental Protection and the commissioner. The  
1516 Commissioner of Energy and Environmental Protection shall grant a  
1517 reasonable extension if the eligible party demonstrates to the  
1518 satisfaction of the Commissioner of Energy and Environmental  
1519 Protection that: [(A)] (i) Such eligible party has made reasonable  
1520 progress toward investigation and remediation of the eligible  
1521 property; and [(B)] (ii) despite best efforts, circumstances beyond the  
1522 control of the eligible party have significantly delayed the remediation  
1523 of the eligible property.

1524 (3) An eligible party who submits an interim verification for an  
1525 eligible property, and any subsequent owner of such eligible property,  
1526 shall, until the remediation standards for groundwater are achieved,  
1527 (A) operate and maintain the long-term remedy for groundwater in  
1528 accordance with the remedial action plan, the interim verification and  
1529 any approvals issued by the Commissioner of Energy and  
1530 Environmental Protection, (B) prevent exposure to any groundwater  
1531 plume containing a regulated substance in excess of the remediation  
1532 standards on the property, (C) take all reasonable action to contain any  
1533 groundwater plume on the property, and (D) submit annual status  
1534 reports to the Commissioner of Energy and Environmental Protection

1535 and the commissioner.

1536 (4) Before commencement of remedial action pursuant to the plan  
1537 and schedule, the eligible party shall: (A) Publish notice of the  
1538 remedial action in a newspaper having a substantial circulation in the  
1539 town where the property is located, (B) notify the director of health of  
1540 the municipality where the property is located, and (C) either (i) erect  
1541 and maintain for at least thirty days in a legible condition a sign not  
1542 less than six feet by four feet on the property, which shall be clearly  
1543 visible from the public highway and shall include the words  
1544 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR  
1545 FURTHER INFORMATION CONTACT:" and include a telephone  
1546 number for an office from which any interested person may obtain  
1547 additional information about the remedial action, or (ii) mail notice of  
1548 the remedial action to each owner of record of property which abuts  
1549 such property, at the address on the last-completed grand list of the  
1550 relevant town. Public comments shall be directed to the eligible party  
1551 for a thirty-day period starting with the last provided public notice  
1552 provision and such eligible party shall provide all comments and any  
1553 responses to the Commissioner of Energy and Environmental  
1554 Protection prior to commencing remedial action.

1555 (5) The remedial action shall be conducted under the supervision of  
1556 a licensed environmental professional and the remedial action report  
1557 shall be submitted to the commissioner and the Commissioner of  
1558 Energy and Environmental Protection signed and stamped by a  
1559 licensed environmental professional. In such report, the licensed  
1560 environmental professional shall include a detailed description of the  
1561 remedial actions taken and issue a verification or interim verification,  
1562 in which he or she shall render an opinion, in accordance with the  
1563 standard of care provided in subsection (c) of section 22a-133w, that  
1564 the action taken to contain, remove or mitigate the release of regulated  
1565 substances within the boundaries of such property is in accordance  
1566 with the remediation standards.

1567 (6) All applications for permits required to implement such plan  
1568 and schedule in this section shall be submitted to the permit  
1569 ombudsman within the Department of Economic and Community  
1570 Development.

1571 (7) Each eligible party participating in the brownfield remediation  
1572 and revitalization program shall maintain all records related to its  
1573 implementation of such plan and schedule and completion of the  
1574 remedial action of the property for a period of not less than ten years  
1575 and shall make such records available to the commissioner or the  
1576 Commissioner of Energy and Environmental Protection at any time  
1577 upon request by either.

1578 (8) (A) [Within] Not later than sixty days [of] after receiving a  
1579 remedial action report signed and stamped by a licensed  
1580 environmental professional and a verification or interim verification,  
1581 the Commissioner of Energy and Environmental Protection shall notify  
1582 the eligible party and the commissioner whether the Commissioner of  
1583 Energy and Environmental Protection will conduct an audit of such  
1584 remedial action. Any such audit shall be conducted not later than one  
1585 hundred eighty days after the Commissioner of Energy and  
1586 Environmental Protection receives a remedial action report signed and  
1587 stamped by a licensed environmental professional and a verification or  
1588 interim verification. [Within] Not later than fourteen days [of] after  
1589 completion of an audit, the Commissioner of Energy and  
1590 Environmental Protection shall send written audit findings to the  
1591 eligible party, the commissioner and the licensed environmental  
1592 professional. The audit findings may approve or disapprove the  
1593 report, provided any disapproval shall set forth the reasons for such  
1594 disapproval.

1595 (B) The Commissioner of Energy and Environmental Protection may  
1596 request additional information during an audit conducted pursuant to  
1597 this subdivision. If such information has not been provided to said  
1598 commissioner within fourteen days of such request, the time frame for

1599 said commissioner to complete the audit shall be suspended until the  
1600 information is provided to said commissioner. The Commissioner of  
1601 Energy and Environmental Protection may choose to conduct such  
1602 audit if and when the eligible party fails to provide a response to said  
1603 commissioner's request for additional information within sixty days.

1604 (C) The Commissioner of Energy and Environmental Protection  
1605 shall not conduct an audit of a verification or interim verification  
1606 pursuant to this subdivision after one hundred eighty days from  
1607 receipt of such verification unless (i) said commissioner has reason to  
1608 believe that a verification was obtained through the submittal of  
1609 materially inaccurate or erroneous information, or otherwise  
1610 misleading information material to the verification or that material  
1611 misrepresentations were made in connection with the submittal of the  
1612 verification, (ii) any post-verification monitoring or operations and  
1613 maintenance is required as part of a verification and has not been  
1614 done, (iii) a verification that relies upon an environmental land use  
1615 restriction was not recorded on the land records of the municipality in  
1616 which such land is located in accordance with section 22a-133o, as  
1617 amended by this act, and applicable regulations, (iv) said  
1618 commissioner determines that there has been a violation of law  
1619 material to the verification, or (v) said commissioner determines that  
1620 information exists indicating that the remediation may have failed to  
1621 prevent a substantial threat to public health or the environment for  
1622 releases on the property.

1623 [(l)] (k) Not later than sixty days after receiving a notice of  
1624 disapproval or a verification or interim verification from the  
1625 Commissioner of Energy and Environmental Protection, the eligible  
1626 party shall submit to said commissioner and to the commissioner a  
1627 report of cure of noted deficiencies. Within sixty days after receiving  
1628 such report of cure of noted deficiencies by said commissioner, said  
1629 commissioner shall issue a successful audit closure letter or a written  
1630 disapproval of such report of cure of noted deficiencies.

1631        [(m)] (l) Before approving a verification or interim verification, the  
 1632 Commissioner of Energy and Environmental Protection may enter into  
 1633 a memorandum of understanding with the eligible party with regard  
 1634 to any further remedial action or monitoring activities on or at such  
 1635 property that said commissioner deems necessary for the protection of  
 1636 human health or the environment.

1637        [(n)] (m) (1) An eligible party who has been accepted into the  
 1638 brownfield remediation and revitalization program shall have no  
 1639 obligation as part of its plan and schedule to characterize, abate and  
 1640 remediate any plume of a regulated substance outside the boundaries  
 1641 of the subject property, provided the notification requirements of  
 1642 section 22a-6u, as amended by this act, pertaining to significant  
 1643 environmental hazards shall continue to apply to the property and the  
 1644 eligible party shall not be required to characterize, abate or remediate  
 1645 any such significant environmental hazard outside the boundaries of  
 1646 the subject property unless such significant environmental hazard  
 1647 arises from the actions of the eligible party after its acquisition of or  
 1648 control over the property from which such significant environmental  
 1649 hazard has emanated outside its own boundaries. If an eligible party  
 1650 who has been accepted into the brownfield remediation and  
 1651 revitalization program conveys or otherwise transfers its ownership of  
 1652 the subject property and such eligible party is in compliance with the  
 1653 provisions of this section and the brownfield investigation plan and  
 1654 remediation schedule at the time of conveyance or transfer of  
 1655 ownership, the provisions of this section shall apply to such transferee,  
 1656 if such transferee meets the eligibility criteria set forth in this section,  
 1657 pays the fee required by subsection [(h)] (g) of this section and  
 1658 complies with all the obligations undertaken by the eligible party  
 1659 under this section. In such case, all references to applicant or eligible  
 1660 party shall mean the subsequent owner or transferee.

1661        (2) After the Commissioner of Energy and Environmental Protection  
 1662 issues either a no audit letter or a successful audit closure letter, or no

1663 audit decision has been made by said commissioner within one  
1664 hundred eighty days after the submittal of the remedial action report  
1665 and verification or interim verification, such eligible party shall not be  
1666 liable to the state or any [third party] person for (A) costs incurred in  
1667 the remediation of, equitable relief relating to, or damages resulting  
1668 from the release of regulated substances addressed in the brownfield  
1669 investigation plan and remediation schedule, and (B) historical off-site  
1670 impacts including air deposition, waste disposal, impacts to sediments  
1671 and natural resource damages. No eligible party shall be afforded any  
1672 relief from liability such eligible party may have from a release  
1673 requiring action pursuant to the PCB regulations or a release requiring  
1674 action pursuant to the UST regulations.

1675 (3) The provisions of this section concerning liability shall extend to  
1676 any person who acquires title to all or part of the property for which a  
1677 remedial action report and verification or interim verification have  
1678 been submitted pursuant to this section, provided (A) there is payment  
1679 of a fee of ten thousand dollars to said commissioner for each such  
1680 extension, (B) such person acquiring all or part of the property meets  
1681 the criteria of this section, and (C) the Commissioner of Energy and  
1682 Environmental Protection has issued either a successful audit closure  
1683 letter or no audit letter, or no audit decision has been made by said  
1684 commissioner [within] not later than one hundred eighty days after the  
1685 submittal of the remedial action report and verification or interim  
1686 verification. No municipality or economic development agency that  
1687 acquires title to all or part of the property shall be required to pay a  
1688 fee, provided the municipality or economic development agency shall  
1689 collect and pay the fee upon transfer of the property to another person  
1690 for purposes of development. Such fee shall be deposited into the  
1691 Special Contaminated Property Remediation and Insurance Fund  
1692 established under section 22a-133t and such funds shall be for the  
1693 exclusive use by the Department of Energy and Environmental  
1694 Protection.

1695 (4) Neither a successful audit closure nor no audit letter issued  
1696 pursuant to this section, nor the expiration of one hundred eighty days  
1697 after the submittal of the remedial action report and verification or  
1698 interim verification without an audit decision by the Commissioner of  
1699 Energy and Environmental Protection, shall preclude said  
1700 commissioner from taking any appropriate action, including, but not  
1701 limited to, any action to require remediation of the property by the  
1702 eligible party or, as applicable, to its successor, if said commissioner  
1703 determines that:

1704 (A) The successful audit closure, no audit letter, or the expiration of  
1705 one hundred eighty days after the submittal of the remedial action  
1706 report and verification or interim verification without an audit  
1707 decision by the Commissioner of Energy and Environmental  
1708 Protection was based on information provided by the person  
1709 submitting such remedial action report and verification or interim  
1710 verification that the Commissioner of Energy and Environmental  
1711 Protection can show that such person knew, or had reason to know,  
1712 was false or misleading, and, in the case of the successor to an  
1713 applicant, that such successor was aware or had reason to know that  
1714 such information was false or misleading;

1715 (B) New information confirms the existence of previously unknown  
1716 contamination that resulted from a release that occurred before the  
1717 date that an application has been accepted into the brownfield  
1718 remediation and revitalization program;

1719 (C) The eligible party who received the successful audit closure or  
1720 no audit letter or where one hundred eighty days lapsed without an  
1721 audit decision by the Commissioner of Energy and Environmental  
1722 Protection has materially failed to complete the remedial action  
1723 required by the brownfield investigation plan and remediation  
1724 schedule or to carry out or comply with monitoring, maintenance or  
1725 operating requirements pertinent to a remedial action including the  
1726 requirements of any environmental land use restriction; or



1727 (D) The threat to human health or the environment is increased  
1728 beyond an acceptable level due to substantial changes in exposure  
1729 conditions at such property, including, but not limited to, a change  
1730 from nonresidential to residential use of such property.

1731 (5) If an eligible party who has been accepted into the brownfield  
1732 remediation and revitalization program conveys or otherwise transfers  
1733 all or part of its ownership interest in the subject property at any time  
1734 before the issuance of a successful audit closure or no audit letter or  
1735 the expiration of one hundred eighty days after the submittal of the  
1736 remedial action report and verification or interim verification without  
1737 an audit decision by the Commissioner of Energy and Environmental  
1738 Protection, the eligible party conveying or otherwise transferring its  
1739 ownership interest shall not be liable to the state or any [third party]  
1740 person for (A) costs incurred in the remediation of, equitable relief  
1741 relating to, or damages resulting from the release of regulated  
1742 substances addressed in the brownfield investigation plan and  
1743 remediation schedule, and (B) historical off-site impacts including air  
1744 deposition, waste disposal, impacts to sediments and natural resource  
1745 damages, provided the eligible party complied with its obligations  
1746 under this section during the period when the eligible party held an  
1747 ownership interest in the subject property. Nothing in this subsection  
1748 shall provide any relief from liability such eligible party may have  
1749 related to a release requiring action pursuant to the PCB regulations, or  
1750 a release requiring action pursuant to the UST regulations.

1751 (6) Upon the Commissioner of Energy and Environmental  
1752 Protection's issuance of a successful audit closure letter, no audit letter,  
1753 or one hundred eighty days have passed since the submittal of a  
1754 verification or interim verification and said commissioner has not  
1755 audited the verification or interim verification, the immediate prior  
1756 owner regardless of its own eligibility to participate in the  
1757 comprehensive brownfield remediation and revitalization program  
1758 shall have no liability to the state or any [third party] person for any

1759 future investigation and remediation of the release of any regulated  
1760 substance at the eligible property addressed in the verification or  
1761 interim verification, provided the immediate prior owner has complied  
1762 with any legal obligation such owner had with respect to investigation  
1763 and remediation of releases at and from the property, and provided  
1764 further the immediate prior owner shall retain any and all liability  
1765 such immediate prior owner would otherwise have for the  
1766 investigation and remediation of the release of any regulated substance  
1767 beyond the boundary of the eligible property. In any event, the  
1768 immediate prior owner shall remain liable for (A) penalties or fines, if  
1769 any, relating to the release of any regulated substance at or from the  
1770 eligible property, (B) costs and expenses, if any, recoverable or  
1771 reimbursable pursuant to sections 22a-134b, 22a-451 and 22a-452, and  
1772 (C) obligations of the immediate prior owner as a certifying party on a  
1773 Form III or IV submitted pursuant to sections 22a-134 to 22a-134e,  
1774 inclusive, as amended by this act.

1775 [(o)] (n) A person whose application to the brownfield remediation  
1776 and revitalization program has been accepted by the commissioner or  
1777 any subsequent eligible party whose application to the brownfield  
1778 remediation and revitalization program has been accepted by the  
1779 commissioner shall be exempt for filing as an establishment pursuant  
1780 to sections 22a-134a to 22a-134d, inclusive, if such real property or  
1781 prior business operations constitute an establishment. Nothing in this  
1782 section shall be construed to alter any existing legal requirement  
1783 applicable to any certifying party at a property under sections 22a-134  
1784 and 22a-134a to 22a-134e, inclusive, as amended by this act.

1785 [(p)] (o) Notwithstanding the provisions of this section, eligible  
1786 parties shall investigate and remediate, and remain subject to all  
1787 applicable statutes and requirements, the extent of any new release  
1788 that occurs during their ownership of the property.

1789 Sec. 11. Section 12-65e of the general statutes is repealed and the  
1790 following is substituted in lieu thereof (*Effective July 1, 2013*):

1791 Any municipality which has adopted a resolution, in accordance  
1792 with the provisions of section 12-65d, designating such municipality or  
1793 any part thereof as a rehabilitation area, may, upon application of the  
1794 owner of any real property located in such area who agrees to  
1795 rehabilitate such property or construct (1) new multifamily rental  
1796 housing or cooperative housing on such property, or (2) if such  
1797 property is a brownfield, as defined in [section 32-9cc] section 1 of this  
1798 act, new multifamily rental housing, cooperative housing, common  
1799 interest communities or mixed-use or commercial structures on such  
1800 property, enter into an agreement to fix the assessment of the property,  
1801 during the period of rehabilitation or construction, as of the date of the  
1802 agreement, but for not longer than seven years, and upon completion  
1803 of such rehabilitation or construction, to defer any increase in  
1804 assessment attributable to such rehabilitation or construction for a  
1805 period not to exceed eleven years, contingent upon the continued use  
1806 of the property for the purposes specified in the agreement, provided  
1807 such property meets the criteria established by such municipality in  
1808 accordance with section 12-65d and provided further such deferral  
1809 shall be determined as follows: For the first year following completion  
1810 of such rehabilitation or construction, the entire increase shall be  
1811 deferred; thereafter a minimum of ten per cent of the increase shall be  
1812 assessed against the property each year until one hundred per cent of  
1813 such increase has been so assessed. The agreement shall provide that,  
1814 in the event of a general revaluation by the municipality in the year in  
1815 which such rehabilitation or construction is completed resulting in any  
1816 increase in the assessment on such property, only that portion of the  
1817 increase resulting from such rehabilitation or construction shall be  
1818 deferred; and in the event of a general revaluation in any year after the  
1819 year in which such rehabilitation or construction is completed, such  
1820 deferred assessment shall be increased or decreased in proportion to  
1821 the increase or decrease in the total assessment on such property as a  
1822 result of such general revaluation. Such agreement shall further  
1823 provide that such rehabilitation or construction shall be completed by  
1824 a date fixed by the municipality and that the completed rehabilitation

1825 or construction shall be subject to inspection and certification by the  
1826 local building official as being in conformance with the criteria  
1827 established under section 12-65d and such provisions of the state  
1828 building and health codes and the local housing code as may apply.  
1829 Any such tax deferral shall be contingent upon the continued use of  
1830 the property for those purposes specified in the agreement creating  
1831 such deferral and such deferral shall cease upon the sale or transfer of  
1832 the property for any other purpose unless the municipality shall have  
1833 consented thereto.

1834 Sec. 12. Subsection (a) of section 12-217mm of the general statutes is  
1835 repealed and the following is substituted in lieu thereof (*Effective July*  
1836 *1, 2013*):

1837 (a) As used in this section:

1838 (1) "Allowable costs" means the amounts chargeable to a capital  
1839 account, including, but not limited to: (A) Construction or  
1840 rehabilitation costs; (B) commissioning costs; (C) architectural and  
1841 engineering fees allocable to construction or rehabilitation, including  
1842 energy modeling; (D) site costs, such as temporary electric wiring,  
1843 scaffolding, demolition costs and fencing and security facilities; and (E)  
1844 costs of carpeting, partitions, walls and wall coverings, ceilings,  
1845 lighting, plumbing, electrical wiring, mechanical, heating, cooling and  
1846 ventilation but "allowable costs" does not include the purchase of land,  
1847 any remediation costs or the cost of telephone systems or computers;

1848 (2) "Brownfield" has the same meaning as in [subsection (g) of  
1849 section 32-9cc] section 1 of this act;

1850 (3) "Eligible project" means a real estate development project that is  
1851 designed to meet or exceed the applicable LEED Green Building  
1852 Rating System gold certification or other certification determined by  
1853 the Commissioner of Energy and Environmental Protection to be  
1854 equivalent, but if a single project has more than one building, "eligible

1855 project" means only the building or buildings within such project that  
1856 is designed to meet or exceed the applicable LEED Green Building  
1857 Rating System gold certification or other certification determined by  
1858 the Commissioner of Energy and Environmental Protection to be  
1859 equivalent;

1860 (4) "Energy Star" means the voluntary labeling program  
1861 administered by the United States Environmental Protection Agency  
1862 designed to identify and promote energy-efficient products,  
1863 equipment and buildings;

1864 (5) "Enterprise zone" means an area in a municipality designated by  
1865 the Commissioner of Economic and Community Development as an  
1866 enterprise zone in accordance with the provisions of section 32-70;

1867 (6) "LEED Accredited Professional Program" means the professional  
1868 accreditation program for architects, engineers and other building  
1869 professionals as administered by the United States Green Building  
1870 Council;

1871 (7) "LEED Green Building Rating System" means the Leadership in  
1872 Energy and Environmental Design green building rating system  
1873 developed by the United States Green Building Council as of the date  
1874 that the project is registered with the United States Green Building  
1875 Council;

1876 (8) "Mixed-use development" means a development consisting of  
1877 one or more buildings that includes residential use and in which no  
1878 more than seventy-five per cent of the interior square footage has at  
1879 least one of the following uses: (A) Commercial use; (B) office use; (C)  
1880 retail use; or (D) any other nonresidential use that the Secretary of the  
1881 Office of Policy and Management determines does not pose a public  
1882 health threat or nuisance to nearby residential areas;

1883 (9) "Secretary" means the Secretary of the Office of Policy and  
1884 Management; and

1885 (10) "Site improvements" means any construction work on, or  
1886 improvement to, streets, roads, parking facilities, sidewalks, drainage  
1887 structures and utilities.

1888 Sec. 13. Subsection (a) of section 12-81r of the general statutes is  
1889 repealed and the following is substituted in lieu thereof (*Effective July*  
1890 *1, 2013*):

1891 (a) Any municipality may (1) enter into an agreement with the  
1892 owner of any real property to abate the property tax due as of the date  
1893 of the agreement for a period not to exceed seven years if the property  
1894 has been subject to a spill, as defined in section 22a-452c, and the  
1895 owner agrees to conduct any environmental site assessment,  
1896 demolition and remediation of the spill necessary to redevelop the  
1897 property. Any such tax abatement shall only be for the period of  
1898 remediation and redevelopment and shall be contingent upon the  
1899 continuation and completion of the remediation and redevelopment  
1900 process with respect to the purposes specified in the agreement. The  
1901 abatement shall cease upon the sale or transfer of the property for any  
1902 other purpose unless the municipality consents to its continuation. The  
1903 municipality may also establish a recapture provision in the event of  
1904 sale provided such recapture shall not exceed the original amount of  
1905 taxes abated and may not go back further than the date of the  
1906 agreement; (2) forgive all or a portion of the principal balance and  
1907 interest due on delinquent property taxes for the benefit of any  
1908 prospective purchaser who has obtained an environmental  
1909 investigation or remediation plan approved by the Commissioner of  
1910 Energy and Environmental Protection or a licensed environmental  
1911 professional under section 22a-133w, 22a-133x or 22a-133y and  
1912 completes such remediation plan for an establishment, as defined in  
1913 section 22a-134, as amended by this act, deemed by the municipality to  
1914 be abandoned or a brownfield, as defined in [subdivision (1) of  
1915 subsection (a) of section 32-9kk] section 1 of this act; or (3) enter into an  
1916 agreement with the owner of any real property to fix the assessment of

1917 the property as of the last assessment date prior to commencement of  
1918 remediation activities for a period not to exceed seven years, provided  
1919 the property has been the subject of a remediation approved by the  
1920 Commissioner of Energy and Environmental Protection or verified by  
1921 a licensed environmental professional pursuant to section 22a-133w,  
1922 22a-133x, 22a-133y or 22a-134, as amended by this act.

1923 Sec. 14. Subsection (c) of section 22a-2d of the general statutes is  
1924 repealed and the following is substituted in lieu thereof (*Effective July*  
1925 *1, 2013*):

1926 (c) Wherever the words "Commissioner of Environmental  
1927 Protection" are used or referred to in the following sections of the  
1928 general statutes, the words "Commissioner of Energy and  
1929 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-  
1930 100, 4-5, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-238a, 7-121d, 7-131, 7-  
1931 131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l, 7-131t, 7-131u, 7-  
1932 136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, 7-246f, 7-247, 7-249a, 7-  
1933 323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-231d, 10-231g, 10-382,  
1934 10-388, 10-389, 10-391, 12-81, 12-81r, as amended by this act, 12-107d,  
1935 12-217mm, as amended by this act, 12-263m, 12-407, 12-412, 13a-80i,  
1936 13a-94, 13a-142a, 13a-142b, 13a-142e, 13a-175j, 13b-11a, 13b-38x, 13b-51,  
1937 13b-56, 13b-57, 13b-329, 14-21e, 14-21i, 14-21s, 14-65a, 14-67l, 14-80a, 14-  
1938 100b, 14-164c, 14-164h, 14-164i, 14-164k, 14-164o, 15-11a, 15-121, 15-125,  
1939 15-127, 15-130, 15-133a, 15-133c, 15-140a, 15-140c, 15-140d, 15-140e, 15-  
1940 140f, 15-140j, 15-140o, 15-140u, 15-140v, 15-141, 15-142, 15-143, 15-144,  
1941 15-145, 15-149a, 15-149b, 15-150a, 15-151, 15-154, 15-154a, 15-155, 15-  
1942 155d, 15-156, 15-174, 16-2, 16-11a, 16-19e, 16-19g, 16-50c, 16-50d, 16-50j,  
1943 16-261a, 16a-3, 16a-21a, 16a-27, 16a-35h, 16a-38k, 16a-103, 16a-106, 19a-  
1944 35a, 19a-47, 19a-102a, 19a-330, 19a-341, 21-84b, 22-6c, 22-11h, 22-26cc,  
1945 22-81a, 22-91c, 22-350a, 22-358, 22a-1g, 22a-2a, 22a-5b, 22a-5c, 22a-6, as  
1946 amended by this act, 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h, 22a-  
1947 6i, 22a-6j, 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u, as  
1948 amended by this act, 22a-6v, 22a-6w, 22a-6y, 22a-6z, 22a-6aa, 22a-6bb,

1949 22a-6cc, 22a-7a, 22a-7b, 22a-8a, 22a-10, 22a-13, 22a-16a, 22a-21, 22a-21b,  
1950 22a-21c, 22a-21d, 22a-21h, 22a-21j, 22a-22, 22a-25, 22a-26, 22a-27, 22a-  
1951 27f, 22a-27l, 22a-27p, 22a-27r, 22a-27s, 22a-27t, 22a-27u, 22a-27v, 22a-  
1952 27w, 22a-29, 22a-35a, 22a-38, 22a-42a, 22a-44, 22a-45a, 22a-45b, 22a-45c,  
1953 22a-45d, 22a-47, 22a-54, 22a-54a, 22a-56a, 22a-66a, 22a-66c, 22a-66j, 22a-  
1954 66k, 22a-66l, 22a-66y, 22a-66z, 22a-68, 22a-93, 22a-106a, 22a-109, 22a-  
1955 113n, 22a-113t, 22a-114, 22a-115, 22a-118, 22a-122, 22a-133a, 22a-133b,  
1956 22a-133k, 22a-133l, 22a-133m, 22a-133n, 22a-133u, as amended by this  
1957 act, 22a-133v, 22a-133w, 22a-133y, 22a-133z, 22a-133aa, as amended by  
1958 this act, 22a-133bb, 22a-133ee, 22a-134, as amended by this act, 22a-  
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1962 22a-160, 22a-162, 22a-170, 22a-171, 22a-173, 22a-174c, 22a-174d, 22a-  
1963 174e, 22a-174f, 22a-174g, 22a-174h, 22a-174i, 22a-174j, 22a-174k, 22a-  
1964 174l, 22a-174m, 22a-180, 22a-182a, 22a-183, 22a-186, 22a-188, 22a-188a,  
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1967 22a-207, 22a-208a, 22a-208b, 22a-208d, 22a-208e, 22a-208f, 22a-208g,  
1968 22a-208h, 22a-208j, 22a-208o, 22a-208p, 22a-208q, 22a-208v, 22a-208w,  
1969 22a-208x, 22a-208y, 22a-208aa, 22a-208bb, 22a-209a, 22a-209b, 22a-209d,  
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1976 22a-255d, 22a-255f, 22a-255h, 22a-256b, 22a-256c, 22a-256i, 22a-256m,  
1977 22a-256o, 22a-256q, 22a-256r, 22a-256v, 22a-256y, 22a-256aa, 22a-260,  
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1981 328, 22a-336, 22a-337, 22a-339a, 22a-339b, 22a-339c, 22a-339d, 22a-339f,  
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1983 354b, 22a-354c, 22a-354d, 22a-354e, 22a-354f, 22a-354h, 22a-354i, 22a-  
 1984 354j, 22a-354k, 22a-354l, 22a-354p, 22a-354q, 22a-354t, 22a-354u, 22a-  
 1985 354v, 22a-354w, 22a-354x, 22a-354z, 22a-354aa, 22a-354bb, 22a-354cc,  
 1986 22a-355, 22a-357, 22a-359, 22a-361, 22a-361a, 22a-363b, 22a-364, 22a-367,  
 1987 22a-368a, 22a-378a, 22a-381, 22a-401, 22a-402, 22a-406, 22a-409, 22a-416,  
 1988 22a-423, 22a-426, 22a-430b, 22a-430c, 22a-434a, 22a-439, 22a-439a, 22a-  
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 2014 [32-9dd,] 32-9kk, 32-9ll, as amended by this act, 32-11a, 32-23x, 32-242,  
 2015 32-242a, 32-664, 38a-684, 47-46a, 47-59b, 47-65, 47-65a, 47-66, 47-66d, 47-  
 2016 66g, 51-164n, 52-192, 52-473a, 53-190, 53a-44a, 53a-54b and 53a-217e.

2017 Sec. 15. Subsection (d) of section 22a-2d of the general statutes is  
2018 repealed and the following is substituted in lieu thereof (*Effective July*  
2019 *1, 2013*):

2020 (d) Wherever the words "Department of Environmental Protection"  
2021 are used or referred to in the following sections of the general statutes,  
2022 the words "Department of Energy and Environmental Protection" shall  
2023 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, 4-66c, 4-  
2024 66aa, 4-89, 4a-53, 5-142, 7-131e, 7-151a, 7-151b, 7-252, 8-387, 10-282, 10-  
2025 291, 10-413, 10a-119e, 12-63e, 12-263m, 13a-142b, 13a-142c, 13a-142d,  
2026 13b-38a, 14-386, 15-129, 15-130a, 15-140e, 15-140f, 15-140j, 15-154, 15-  
2027 155, 16-19h, 16-19o, 16-50j, 16-50k, 16-50p, 16-243q, 16-244d, 16-244j, 16-  
2028 245l, 16-245y, 16-262m, 16-262n, 19a-197b, 19a-320, 20-420, 21-84b, 22-  
2029 11f, 22-11g, 22-11h, 22-26cc, 22-91e, 22-455, 22a-1d, 22a-2a, 22a-2c, 22a-  
2030 5b, 22a-6, as amended by this act, 22a-6f, 22a-6g, 22a-6l, 22a-6p, 22a-6r,  
2031 22a-6u, as amended by this act, 22a-6x, 22a-6cc, 22a-10, 22a-11, 22a-20a,  
2032 22a-21, 22a-21a, 22a-21b, 22a-21c, 22a-21i, 22a-21j, 22a-21k, 22a-22, 22a-  
2033 25, 22a-26, 22a-26a, 22a-27j, 22a-27l, 22a-27s, 22a-29, 22a-33, 22a-40, 22a-  
2034 47a, 22a-58, 22a-61, 22a-66z, 22a-68, 22a-115, 22a-118, 22a-119, 22a-122,  
2035 22a-123, 22a-126, 22a-132, 22a-133v, 22a-133w, 22a-134i, 22a-135, 22a-  
2036 170, 22a-174, 22a-174l, 22a-186, 22a-188a, 22a-196, 22a-198, 22a-200b,  
2037 22a-200c, 22a-200d, 22a-207, 22a-208a, 22a-209f, 22a-223, 22a-233a, 22a-  
2038 239a, 22a-244, 22a-245a, 22a-247, 22a-248, 22a-250, 22a-255h, 22a-256m,  
2039 22a-256y, 22a-259, 22a-260, 22a-264, 22a-275, 22a-314, 22a-315, 22a-336,  
2040 22a-352, 22a-355, 22a-361, 22a-363b, 22a-416, 22a-426, 22a-446, 22a-449f,  
2041 22a-449l, 22a-449n, 22a-454a, 22a-475, 22a-477, 22a-509, 22a-521, 22a-  
2042 601, 22a-629, 22a-630, 22a-635, 23-5c, 23-8, 23-8b, 23-10b, 23-10d, 23-15,  
2043 23-15b, 23-19, 23-20, 23-24a, 23-32a, 23-61a, 23-65f, 23-65h, 23-65i, 23-  
2044 65k, 23-67, 23-68, 23-72, 23-73, 23-101, 23-102, 23-103, 25-32d, 25-33p,  
2045 25-37d, 25-37e, 25-37i, 25-43c, 25-102e, 25-102f, 25-128, 25-131, 25-157,  
2046 25-157a, 25-157b, 25-157n, 25-175, 25-201, 25-206, 25-231, 26-6a, 26-15,  
2047 26-15a, 26-15b, 26-17a, 26-27b, 26-31, 26-40a, 26-55, 26-55a, 26-59, 26-  
2048 66a, 26-66b, 26-72, 26-86f, 26-105, 26-142a, 26-157d, 26-192k, 26-300, 26-  
2049 304, 26-314, 28-31, 29-28, 29-36f, 30-55a, 32-1e, 32-9t, [32-9dd,] 32-9kk,

2050 32-9ll, 32-11a, 32-23d, 32-23x, 32-242, 32-242a, 32-726, as amended by  
2051 this act, 46b-220, 47-46a, 47-64, 52-557b, 53-204, 53-205, 53-206d, 53a-  
2052 44a, 53a-217e, 54-56g and 54-143.

2053 Sec. 16. Subsections (i) to (k), inclusive, of section 22a-6 of the  
2054 general statutes are repealed and the following is substituted in lieu  
2055 thereof (*Effective July 1, 2013*):

2056 (i) Notwithstanding the provisions of subsection (a) of this section,  
2057 no person shall be required to pay any fee established by the  
2058 commissioner pursuant to section 22a-133x, 22a-133aa, as amended by  
2059 this act, 22a-134a or 22a-134e for any new or pending application,  
2060 provided such person has received financial assistance from any  
2061 department, institution, agency or authority of the state for the  
2062 purpose of investigation or remediation, or both, of a brownfield, [site,  
2063 as defined in section 32-9kk] as defined in section 1 of this act, and  
2064 such activity would otherwise require a fee to be paid to the  
2065 commissioner for the activity conducted with such financial assistance.

2066 (j) Notwithstanding the provisions of subsection (a) of this section,  
2067 no department, institution, agency or authority of the state or the state  
2068 system of higher education shall be required to pay any fee established  
2069 by the commissioner pursuant to section 22a-133x, 22a-133aa, as  
2070 amended by this act, 22a-134a or 22a-134e for any new or pending  
2071 application, provided such division of the state is conducting an  
2072 investigation or remediation, or both, of a brownfield, [site, as defined  
2073 in section 32-9kk] as defined in section 1 of this act, and siting a state  
2074 facility on such brownfield site.

2075 (k) Notwithstanding the provisions of subsection (a) of this section,  
2076 no person shall be required to pay any fee associated with a  
2077 brownfield, as defined in [section 32-9kk] section 1 of this act, due to  
2078 the commissioner resulting from the actions of another party prior to  
2079 their acquisition of such brownfield, provided such person intends to  
2080 investigate and remediate such brownfield.

2081 Sec. 17. Subsection (b) of section 22a-133u of the general statutes is  
2082 repealed and the following is substituted in lieu thereof (*Effective July*  
2083 *1, 2013*):

2084 (b) The Commissioner of Economic and Community Development  
2085 may use any funds deposited into the Special Contaminated Property  
2086 Remediation and Insurance Fund pursuant to section 3 of public act  
2087 96-250 for (1) loans to municipalities, individuals or firms for Phase II  
2088 environmental site assessments, Phase III investigations of real  
2089 property or for any costs of demolition, including related lead and  
2090 asbestos removal or abatement costs or costs related to the remediation  
2091 of environmental pollution, undertaken to prepare contaminated real  
2092 property for development subsequent to any Phase III investigation,  
2093 (2) expenses related to administration of this subsection provided such  
2094 expenses may not exceed one hundred twenty-five thousand dollars  
2095 per year, (3) funding the remedial action and redevelopment  
2096 municipal grant program established pursuant to [subsection (e) of]  
2097 section 32-9kk, as amended by this act, and (4) funding the targeted  
2098 brownfield development loan program developed pursuant to  
2099 [subsection (f) of section 32-9kk] section 6 of this act.

2100 Sec. 18. Subsection (g) of section 22a-133aa of the general statutes is  
2101 repealed and the following is substituted in lieu thereof (*Effective July*  
2102 *1, 2013*):

2103 (g) Any prospective purchaser or municipality remediating  
2104 property pursuant to the abandoned brownfield cleanup program  
2105 established pursuant to section 32-9ll, as amended by this act, shall  
2106 qualify for a covenant not to sue from the Commissioner of Energy  
2107 and Environmental Protection without fee. Such covenant not to sue  
2108 shall be transferable to subsequent owners provided the property is  
2109 undergoing remediation or is remediated in accordance with  
2110 subsection [(g)] (f) of [said] section 32-9ll, as amended by this act.

2111 Sec. 19. Subdivision (1) of section 22a-134 of the general statutes is

2112 repealed and the following is substituted in lieu thereof (*Effective July*  
2113 *1, 2013*):

2114 (1) "Transfer of establishment" means any transaction or proceeding  
2115 through which an establishment undergoes a change in ownership, but  
2116 does not mean:

2117 (A) Conveyance or extinguishment of an easement;

2118 (B) Conveyance of an establishment through a foreclosure, as  
2119 defined in subsection (b) of section 22a-452f, foreclosure of a municipal  
2120 tax lien or through a tax warrant sale pursuant to section 12-157, an  
2121 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193  
2122 or by condemnation pursuant to section 32-224 or purchase pursuant  
2123 to a resolution by the legislative body of a municipality authorizing the  
2124 acquisition through eminent domain for establishments that also meet  
2125 the definition of a brownfield, as defined in section [32-9kk] 1 of this  
2126 act, or a subsequent transfer by such municipality that has foreclosed  
2127 on the property, foreclosed municipal tax liens or that has acquired  
2128 title to the property through section 12-157, or is within the pilot  
2129 program established in subsection (c) of section 32-9cc of the general  
2130 statutes, revision of 1958, revised to January 1, 2013, or the remedial  
2131 action and redevelopment municipal grant program established in  
2132 section 32-9kk, as amended by this act, or has acquired such property  
2133 through the exercise of eminent domain pursuant to section 8-128, 8-  
2134 169e or 8-193 or by condemnation pursuant to section 32-224 or a  
2135 resolution adopted in accordance with this subparagraph, provided (i)  
2136 the party acquiring the property from the municipality did not  
2137 establish, create or contribute to the contamination at the establishment  
2138 and is not affiliated with any person who established, created or  
2139 contributed to such contamination or with any person who is or was  
2140 an owner or certifying party for the establishment, and (ii) on or before  
2141 the date the party acquires the property from the municipality, such  
2142 party or municipality enters and subsequently remains in the  
2143 voluntary remediation program administered by the commissioner

2144 pursuant to section 22a-133x and remains in compliance with  
2145 schedules and approvals issued by the commissioner. For purposes of  
2146 this subparagraph, subsequent transfer by a municipality includes any  
2147 transfer to, from or between a municipality, municipal economic  
2148 development agency or entity created or operating under chapter 130  
2149 or 132, a nonprofit economic development corporation formed to  
2150 promote the common good, general welfare and economic  
2151 development of a municipality that is funded, either directly or  
2152 through in-kind services, in part by a municipality, or a nonstock  
2153 corporation or limited liability company controlled or established by a  
2154 municipality, municipal economic development agency or entity  
2155 created or operating under chapter 130 or 132;

2156 (C) Conveyance of a deed in lieu of foreclosure to a lender, as  
2157 defined in and that qualifies for the secured lender exemption  
2158 pursuant to subsection (b) of section 22a-452f;

2159 (D) Conveyance of a security interest, as defined in subdivision (7)  
2160 of subsection (b) of section 22a-452f;

2161 (E) Termination of a lease and conveyance, assignment or execution  
2162 of a lease for a period less than ninety-nine years including  
2163 conveyance, assignment or execution of a lease with options or similar  
2164 terms that will extend the period of the leasehold to ninety-nine years,  
2165 or from the commencement of the leasehold, ninety-nine years,  
2166 including conveyance, assignment or execution of a lease with options  
2167 or similar terms that will extend the period of the leasehold to ninety-  
2168 nine years, or from the commencement of the leasehold;

2169 (F) Any change in ownership approved by the Probate Court;

2170 (G) Devolution of title to a surviving joint tenant, or to a trustee,  
2171 executor or administrator under the terms of a testamentary trust or  
2172 will, or by intestate succession;

2173 (H) Corporate reorganization not substantially affecting the

2174 ownership of the establishment;

2175 (I) The issuance of stock or other securities of an entity which owns  
2176 or operates an establishment;

2177 (J) The transfer of stock, securities or other ownership interests  
2178 representing less than forty per cent of the ownership of the entity that  
2179 owns or operates the establishment;

2180 (K) Any conveyance of an interest in an establishment where the  
2181 transferor is the sibling, spouse, child, parent, grandparent, child of a  
2182 sibling or sibling of a parent of the transferee;

2183 (L) Conveyance of an interest in an establishment to a trustee of an  
2184 inter vivos trust created by the transferor solely for the benefit of one  
2185 or more siblings, spouses, children, parents, grandchildren, children of  
2186 a sibling or siblings of a parent of the transferor;

2187 (M) Any conveyance of a portion of a parcel upon which portion no  
2188 establishment is or has been located and upon which there has not  
2189 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
2190 of hazardous waste, provided either the area of such portion is not  
2191 greater than fifty per cent of the area of such parcel or written notice of  
2192 such proposed conveyance and an environmental condition  
2193 assessment form for such parcel is provided to the commissioner sixty  
2194 days prior to such conveyance;

2195 (N) Conveyance of a service station, as defined in subdivision (5) of  
2196 this section;

2197 (O) Any conveyance of an establishment which, prior to July 1, 1997,  
2198 had been developed solely for residential use and such use has not  
2199 changed;

2200 (P) Any conveyance of an establishment to any entity created or  
2201 operating under chapter 130 or 132, or to an urban rehabilitation

2202 agency, as defined in section 8-292, or to a municipality under section  
2203 32-224, or to Connecticut Innovations, Incorporated or any subsidiary  
2204 of the corporation;

2205 (Q) Any conveyance of a parcel in connection with the acquisition of  
2206 properties to effectuate the development of the overall project, as  
2207 defined in section 32-651;

2208 (R) The conversion of a general or limited partnership to a limited  
2209 liability company under section 34-199;

2210 (S) The transfer of general partnership property held in the names of  
2211 all of its general partners to a general partnership which includes as  
2212 general partners immediately after the transfer all of the same persons  
2213 as were general partners immediately prior to the transfer;

2214 (T) The transfer of general partnership property held in the names  
2215 of all of its general partners to a limited liability company which  
2216 includes as members immediately after the transfer all of the same  
2217 persons as were general partners immediately prior to the transfer;

2218 (U) Acquisition of an establishment by any governmental or quasi-  
2219 governmental condemning authority;

2220 (V) Conveyance of any real property or business operation that  
2221 would qualify as an establishment solely as a result of (i) the  
2222 generation of more than one hundred kilograms of universal waste in  
2223 a calendar month, (ii) the storage, handling or transportation of  
2224 universal waste generated at a different location, or (iii) activities  
2225 undertaken at a universal waste transfer facility, provided any such  
2226 real property or business operation does not otherwise qualify as an  
2227 establishment; there has been no discharge, spillage, uncontrolled loss,  
2228 seepage or filtration of a universal waste or a constituent of universal  
2229 waste that is a hazardous substance at or from such real property or  
2230 business operation; and universal waste is not also recycled, treated,  
2231 except for treatment of a universal waste pursuant to 40 CFR



2232 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at  
2233 such real property or business operation;

2234 (W) Conveyance of a unit in a residential common interest  
2235 community in accordance with section 22a-134i;

2236 (X) Acquisition of an establishment that is in the abandoned  
2237 brownfield cleanup program established pursuant to section 32-9ll, as  
2238 amended by this act, and all subsequent transfers of the establishment,  
2239 provided the establishment is undergoing remediation or is  
2240 remediated in accordance with subsection [(g)] (f) of [said] section 32-  
2241 9ll, as amended by this act;

2242 (Y) Any transfer of title from a bankruptcy court or a municipality  
2243 to a nonprofit organization;

2244 (Z) Acquisition of an establishment that is in the brownfield  
2245 remediation and revitalization program and all subsequent transfers of  
2246 the establishment, provided the establishment is in compliance with  
2247 the brownfield investigation plan and remediation schedule, the  
2248 commissioner has issued a no audit letter or successful audit closure  
2249 letter in response to a verification or interim verification submitted  
2250 regarding the remediation of such establishment under the brownfield  
2251 remediation and revitalization program, or one hundred eighty days  
2252 has expired since a verification or interim verification submitted  
2253 regarding the remediation of such establishment under the brownfield  
2254 remediation and revitalization program without an audit decision  
2255 from the Commissioner of Energy and Environmental Protection;

2256 (AA) Conveyance of an establishment in connection with the  
2257 acquisition of properties to effectuate the development of a project  
2258 certified and approved pursuant to section 32-9v, provided any such  
2259 property is investigated and remediated in accordance with section  
2260 22a-133y; or

2261 (BB) Conveyance from the Department of Transportation to the

2262 Connecticut Airport Authority of any properties comprising (i)  
2263 Bradley International Airport and all related improvements and  
2264 facilities now in existence and as hereafter acquired, added, extended,  
2265 improved and equipped, including any property or facilities  
2266 purchased with funds of, or revenues derived from, Bradley  
2267 International Airport, and any other property or facilities allocated by  
2268 the state, the Connecticut Airport Authority or otherwise to Bradley  
2269 International Airport, (ii) the state-owned and operated general  
2270 aviation airports, including Danielson Airport, Groton/New London  
2271 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and  
2272 Windham Airport and any such other airport as may be owned,  
2273 operated or managed by the Connecticut Airport Authority and  
2274 designated as general aviation airports, (iii) any other airport as may  
2275 be owned, operated or managed by the Connecticut Airport Authority,  
2276 and (iv) any airport site or any part thereof, including, but not limited  
2277 to, any restricted landing areas and any air navigation facilities.

2278 Sec. 20. Subdivision (1) of section 22a-134 of the general statutes, as  
2279 amended by section 53 of public act 11-241, section 7 of public act 12-  
2280 32, section 7 of public act 12-183 and section 3 of public act 12-196, is  
2281 repealed and the following is substituted in lieu thereof (*Effective*  
2282 *January 1, 2014*):

2283 (1) "Transfer of establishment" means any transaction or proceeding  
2284 through which an establishment undergoes a change in ownership, but  
2285 does not mean:

2286 (A) Conveyance or extinguishment of an easement;

2287 (B) Conveyance of an establishment through a foreclosure, as  
2288 defined in subsection (b) of section 22a-452f, foreclosure of a municipal  
2289 tax lien or through a tax warrant sale pursuant to section 12-157, an  
2290 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193  
2291 or by condemnation pursuant to section 32-224 or purchase pursuant  
2292 to a resolution by the legislative body of a municipality authorizing the

2293 acquisition through eminent domain for establishments that also meet  
2294 the definition of a brownfield, as defined in section [32-9kk] 1 of this  
2295 act, or a subsequent transfer by such municipality that has foreclosed  
2296 on the property, foreclosed municipal tax liens or that has acquired  
2297 title to the property through section 12-157, or is within the pilot  
2298 program established in subsection (c) of section 32-9cc of the general  
2299 statutes, revision of 1958, revised to January 1, 2013, or the remedial  
2300 action and redevelopment municipal grant program established in  
2301 section 32-9kk, as amended by this act, or has acquired such property  
2302 through the exercise of eminent domain pursuant to section 8-128, 8-  
2303 169e or 8-193 or by condemnation pursuant to section 32-224 or a  
2304 resolution adopted in accordance with this subparagraph, provided (i)  
2305 the party acquiring the property from the municipality did not  
2306 establish, create or contribute to the contamination at the establishment  
2307 and is not affiliated with any person who established, created or  
2308 contributed to such contamination or with any person who is or was  
2309 an owner or certifying party for the establishment, and (ii) on or before  
2310 the date the party acquires the property from the municipality, such  
2311 party or municipality enters and subsequently remains in the  
2312 voluntary remediation program administered by the commissioner  
2313 pursuant to section 22a-133x and remains in compliance with  
2314 schedules and approvals issued by the commissioner. For purposes of  
2315 this subparagraph, subsequent transfer by a municipality includes any  
2316 transfer to, from or between a municipality, municipal economic  
2317 development agency or entity created or operating under chapter 130  
2318 or 132, a nonprofit economic development corporation formed to  
2319 promote the common good, general welfare and economic  
2320 development of a municipality that is funded, either directly or  
2321 through in-kind services, in part by a municipality, or a nonstock  
2322 corporation or limited liability company controlled or established by a  
2323 municipality, municipal economic development agency or entity  
2324 created or operating under chapter 130 or 132;

2325 (C) Conveyance of a deed in lieu of foreclosure to a lender, as

2326 defined in and that qualifies for the secured lender exemption  
2327 pursuant to subsection (b) of section 22a-452f;

2328 (D) Conveyance of a security interest, as defined in subdivision (7)  
2329 of subsection (b) of section 22a-452f;

2330 (E) Termination of a lease and conveyance, assignment or execution  
2331 of a lease for a period less than ninety-nine years including  
2332 conveyance, assignment or execution of a lease with options or similar  
2333 terms that will extend the period of the leasehold to ninety-nine years,  
2334 or from the commencement of the leasehold, ninety-nine years,  
2335 including conveyance, assignment or execution of a lease with options  
2336 or similar terms that will extend the period of the leasehold to ninety-  
2337 nine years, or from the commencement of the leasehold;

2338 (F) Any change in ownership approved by the Probate Court;

2339 (G) Devolution of title to a surviving joint tenant, or to a trustee,  
2340 executor or administrator under the terms of a testamentary trust or  
2341 will, or by intestate succession;

2342 (H) Corporate reorganization not substantially affecting the  
2343 ownership of the establishment;

2344 (I) The issuance of stock or other securities of an entity which owns  
2345 or operates an establishment;

2346 (J) The transfer of stock, securities or other ownership interests  
2347 representing less than forty per cent of the ownership of the entity that  
2348 owns or operates the establishment;

2349 (K) Any conveyance of an interest in an establishment where the  
2350 transferor is the sibling, spouse, child, parent, grandparent, child of a  
2351 sibling or sibling of a parent of the transferee;

2352 (L) Conveyance of an interest in an establishment to a trustee of an  
2353 inter vivos trust created by the transferor solely for the benefit of one

2354 or more siblings, spouses, children, parents, grandchildren, children of  
2355 a sibling or siblings of a parent of the transferor;

2356 (M) Any conveyance of a portion of a parcel upon which portion no  
2357 establishment is or has been located and upon which there has not  
2358 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
2359 of hazardous waste, provided either the area of such portion is not  
2360 greater than fifty per cent of the area of such parcel or written notice of  
2361 such proposed conveyance and an environmental condition  
2362 assessment form for such parcel is provided to the commissioner sixty  
2363 days prior to such conveyance;

2364 (N) Conveyance of a service station, as defined in subdivision (5) of  
2365 this section;

2366 (O) Any conveyance of an establishment which, prior to July 1, 1997,  
2367 had been developed solely for residential use and such use has not  
2368 changed;

2369 (P) Any conveyance of an establishment to any entity created or  
2370 operating under chapter 130 or 132, or to an urban rehabilitation  
2371 agency, as defined in section 8-292, or to a municipality under section  
2372 32-224, or to Connecticut Innovations, Incorporated or any subsidiary  
2373 of the corporation;

2374 (Q) Any conveyance of a parcel in connection with the acquisition of  
2375 properties to effectuate the development of the overall project, as  
2376 defined in section 32-651;

2377 (R) The conversion of a general or limited partnership to a limited  
2378 liability company;

2379 (S) The transfer of general partnership property held in the names of  
2380 all of its general partners to a general partnership which includes as  
2381 general partners immediately after the transfer all of the same persons  
2382 as were general partners immediately prior to the transfer;

2383 (T) The transfer of general partnership property held in the names  
2384 of all of its general partners to a limited liability company which  
2385 includes as members immediately after the transfer all of the same  
2386 persons as were general partners immediately prior to the transfer;

2387 (U) Acquisition of an establishment by any governmental or quasi-  
2388 governmental condemning authority;

2389 (V) Conveyance of any real property or business operation that  
2390 would qualify as an establishment solely as a result of (i) the  
2391 generation of more than one hundred kilograms of universal waste in  
2392 a calendar month, (ii) the storage, handling or transportation of  
2393 universal waste generated at a different location, or (iii) activities  
2394 undertaken at a universal waste transfer facility, provided any such  
2395 real property or business operation does not otherwise qualify as an  
2396 establishment; there has been no discharge, spillage, uncontrolled loss,  
2397 seepage or filtration of a universal waste or a constituent of universal  
2398 waste that is a hazardous substance at or from such real property or  
2399 business operation; and universal waste is not also recycled, treated,  
2400 except for treatment of a universal waste pursuant to 40 CFR  
2401 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at  
2402 such real property or business operation;

2403 (W) Conveyance of a unit in a residential common interest  
2404 community in accordance with section 22a-134i;

2405 (X) Acquisition of an establishment that is in the abandoned  
2406 brownfield cleanup program established pursuant to section 32-9ll, as  
2407 amended by this act, and all subsequent transfers of the establishment,  
2408 provided the establishment is undergoing remediation or is  
2409 remediated in accordance with subsection [(g)] (f) of [said] section 32-  
2410 9ll, as amended by this act;

2411 (Y) Any transfer of title from a bankruptcy court or a municipality  
2412 to a nonprofit organization;

2413 (Z) Acquisition of an establishment that is in the brownfield  
2414 remediation and revitalization program and all subsequent transfers of  
2415 the establishment, provided the establishment is in compliance with  
2416 the brownfield investigation plan and remediation schedule, the  
2417 commissioner has issued a no audit letter or successful audit closure  
2418 letter in response to a verification or interim verification submitted  
2419 regarding the remediation of such establishment under the brownfield  
2420 remediation and revitalization program, or a one-hundred-eighty-day  
2421 period has expired since a verification or interim verification  
2422 submitted regarding the remediation of such establishment under the  
2423 brownfield remediation and revitalization program without an audit  
2424 decision from the Commissioner of Energy and Environmental  
2425 Protection;

2426 (AA) Conveyance of an establishment in connection with the  
2427 acquisition of properties to effectuate the development of a project  
2428 certified and approved pursuant to section 32-9v, provided any such  
2429 property is investigated and remediated in accordance with section  
2430 22a-133y; or

2431 (BB) Conveyance from the Department of Transportation to the  
2432 Connecticut Airport Authority of any properties comprising (i)  
2433 Bradley International Airport and all related improvements and  
2434 facilities now in existence and as hereafter acquired, added, extended,  
2435 improved and equipped, including any property or facilities  
2436 purchased with funds of, or revenues derived from, Bradley  
2437 International Airport, and any other property or facilities allocated by  
2438 the state, the Connecticut Airport Authority or otherwise to Bradley  
2439 International Airport, (ii) the state-owned and operated general  
2440 aviation airports, including Danielson Airport, Groton/New London  
2441 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and  
2442 Windham Airport and any such other airport as may be owned,  
2443 operated or managed by the Connecticut Airport Authority and  
2444 designated as general aviation airports, (iii) any other airport as may

2445 be owned, operated or managed by the Connecticut Airport Authority,  
2446 and (iv) any airport site or any part thereof, including, but not limited  
2447 to, any restricted landing areas and any air navigation facilities.

2448 Sec. 21. Subsection (e) of section 25-68d of the general statutes is  
2449 repealed and the following is substituted in lieu thereof (*Effective July*  
2450 *1, 2013*):

2451 (e) The use of a mill that is located on a brownfield, as defined in  
2452 section [32-9kk] 1 of this act, shall be exempt from the certification  
2453 requirements of subdivision (4) of subsection (b) of this section,  
2454 provided the agency demonstrates: (1) The activity is subject to the  
2455 environmental remediation requirements of the regulations adopted  
2456 pursuant to section 22a-133k, (2) the activity is limited to the areas of  
2457 the property where historical mill uses occurred, (3) any critical  
2458 activity is above the five-hundred-year flood elevation, and (4) the  
2459 activity complies with the provisions of the National Flood Insurance  
2460 Program.

2461 Sec. 22. Subdivision (8) of subsection (a) of section 32-1m of the  
2462 general statutes is repealed and the following is substituted in lieu  
2463 thereof (*Effective July 1, 2013*):

2464 (8) (A) A summary of the department's brownfield-related efforts  
2465 and activities within the Office of Brownfield Remediation and  
2466 Development established pursuant to subsections (a) to [(f)] (d),  
2467 inclusive, of section 32-9cc in the preceding state fiscal year, except for  
2468 activity under the Special Contaminated Property Remediation and  
2469 Insurance Fund program. Such efforts shall include, but not be limited  
2470 to, (i) total portfolio investment in brownfield remediation projects, (ii)  
2471 total investment in brownfield remediation projects in the preceding  
2472 state fiscal year, (iii) total number of brownfield remediation projects,  
2473 (iv) total number of brownfield remediation projects in the preceding  
2474 state fiscal year, (v) total of reclaimed and remediated acreage, (vi)  
2475 total of reclaimed and remediated acreage in the preceding state fiscal



2476 year, (vii) leverage ratio for the total portfolio investment in  
2477 brownfield remediation projects, and (viii) leverage ratio for the total  
2478 portfolio investment in brownfield remediation projects in the  
2479 preceding state fiscal year. Such summary shall include a list of such  
2480 brownfield remediation projects and, for each such project, the name  
2481 of the developer and the location by street address and municipality  
2482 and a tracking of all funds administered through or by said office;

2483 (B) A summary of the department's efforts with regard to the  
2484 Special Contaminated Property Remediation and Insurance Fund,  
2485 including, but not limited to, (i) the number of applications received in  
2486 the preceding state fiscal year, (ii) the number and amounts of loans  
2487 made in such year, (iii) the names of the applicants for such loans, (iv)  
2488 the average time period between submission of application and the  
2489 decision to grant or deny the loan, (v) a list of the applications  
2490 approved and the applications denied and the reasons for such  
2491 denials, and (vi) for each project, the location by street address and  
2492 municipality; and

2493 (C) A summary of the department's efforts with regard to the dry  
2494 cleaning grant program, established pursuant to section 12-263m,  
2495 including, but not limited to, (i) information as to the number of  
2496 applications received, (ii) the number and amounts of grants made  
2497 since the inception of the program, (iii) the names of the applicants,  
2498 (iv) the time period between submission of application and the  
2499 decision to grant or deny the loan, (v) which applications were  
2500 approved and which applications were denied and the reasons for any  
2501 denials, and (vi) a recommendation as to whether the surcharge and  
2502 grant program established pursuant to section 12-263m should  
2503 continue.

2504 Sec. 23. Section 32-22b of the general statutes is repealed and the  
2505 following is substituted in lieu thereof (*Effective July 1, 2013*):

2506 Connecticut Innovations, Incorporated may establish a loan

2507 guarantee program to provide guarantees of not more than thirty per  
2508 cent of the loan to lenders who provide financing to [eligible  
2509 developers or eligible property owners as defined in subsection (a) of  
2510 section 32-9kk] recipients of financial assistance pursuant to section 32-  
2511 9kk, as amended by this act, or section 6 of this act.

2512 Sec. 24. Subsection (b) of section 32-276 of the general statutes is  
2513 repealed and the following is substituted in lieu thereof (*Effective July*  
2514 *1, 2013*):

2515 (b) (1) The commissioner shall establish an office of the permit  
2516 ombudsman for the purpose of expediting review of permit  
2517 applications for projects that would (A) create at least one hundred  
2518 jobs, (B) create fifty jobs, if such project is to be located in an enterprise  
2519 zone designated pursuant to section 32-70, (C) be located in a  
2520 brownfield, as defined in section [32-9cc] 1 of this act, (D) be  
2521 compatible with the state's responsible growth initiatives, (E) be  
2522 considered transit-oriented development, as defined in section 13b-  
2523 79kk, (F) develop green technology business, or (G) meet the criteria  
2524 set forth in subdivision (2) of this subsection. Projects ineligible for  
2525 review under this section are projects for which the primary purpose is  
2526 to (i) effect the final disposal of solid waste, biomedical waste or  
2527 hazardous waste in this state, (ii) produce electrical power, unless the  
2528 production of electricity is incidental and not the primary function of  
2529 the project, (iii) extract natural resources, (iv) produce oil, or (v)  
2530 construct, maintain or operate an oil, petroleum, natural gas or sewage  
2531 pipeline. For purposes of this section, "responsible growth initiatives"  
2532 includes the principles of smart growth, as defined in section 1 of  
2533 public act 09-230, and "green technology business" means an eligible  
2534 business with not less than twenty-five per cent of its employment  
2535 positions being positions in which green technology is employed or  
2536 developed and may include the occupation codes identified as green  
2537 jobs by the Department of Economic and Community Development  
2538 and the Labor Department for such purposes.

2539 (2) Notwithstanding the provisions of subdivision (1) of this  
2540 subsection, the commissioner may, upon consideration of the  
2541 economic impact factors of the project that include, but are not limited  
2542 to: (A) The proposed wage and skill levels relative to those existing in  
2543 the area in which the project may be located, (B) the project's potential  
2544 to diversify and strengthen the state and local economy, (C) the  
2545 amount of capital investment, and (D) in the judgment of the  
2546 commissioner, after consultation with the Departments of Energy and  
2547 Environmental Protection, Transportation and Public Health that there  
2548 is consistency with the strategic economic development priorities of  
2549 the state and the municipality, deem projects eligible for expedited  
2550 permitting pursuant to this section.

2551 Sec. 25. Subsection (b) of section 32-329 of the general statutes is  
2552 repealed and the following is substituted in lieu thereof (*Effective July*  
2553 *1, 2013*):

2554 (b) The proceeds of the sale of said bonds, to the extent of the  
2555 amount stated in subsection (a) of this section, shall be used by the  
2556 Department of Economic and Community Development for the  
2557 purposes of [section] sections 32-328, 32-9kk, as amended by this act,  
2558 and section 6 of this act.

2559 Sec. 26. Section 2 of public act 10-135, as amended by section 15 of  
2560 public 11-141 and section 12 of public act 12-183, is repealed and the  
2561 following is substituted in lieu thereof (*Effective from passage*):

2562 (a) There is established a working group to examine the remediation  
2563 and development of brownfields in this state, including, but not  
2564 limited to, the remediation scheme for such properties, permitting  
2565 issues and liability issues, including those set forth by sections 22a-14  
2566 to 22a-20, inclusive, of the general statutes.

2567 (b) The working group shall consist of the following [thirteen]  
2568 members, each of whom shall have expertise related to brownfield

2569 redevelopment in environmental law, engineering, finance,  
2570 development, consulting, insurance or another relevant field:

2571 (1) Four appointed by the Governor;

2572 (2) [One] Two appointed by the president pro tempore of the  
2573 Senate, one of whom shall represent the Connecticut Conference of  
2574 Municipalities;

2575 (3) [One] Two appointed by the speaker of the House of  
2576 Representatives, one of whom shall represent an environmental  
2577 organization;

2578 (4) One appointed by the majority leader of the Senate;

2579 (5) One appointed by the majority leader of the House of  
2580 Representatives;

2581 (6) One appointed by the minority leader of the Senate;

2582 (7) One appointed by the minority leader of the House of  
2583 Representatives;

2584 (8) The Commissioner of Economic and Community Development,  
2585 or the commissioner's designee, who shall serve ex officio;

2586 (9) The Commissioner of Energy and Environmental Protection, or  
2587 the commissioner's designee, who shall serve ex officio; [and]

2588 (10) The Secretary of the Office of Policy and Management, or the  
2589 secretary's designee, who shall serve ex officio; and

2590 (11) The Commissioner of Public Health, or the commissioner's  
2591 designee, who shall serve ex officio.

2592 (c) Any member of the working group as of the effective date of this  
2593 section shall continue to serve and all new appointments to the  
2594 working group shall be made no later than thirty days after the

2595 effective date of this section. Any vacancy shall be filled by the  
2596 appointing authority.

2597 (d) The working group shall select chairpersons of the working  
2598 group. Such chairpersons shall schedule the first meeting of the  
2599 working group, which shall be held no later than sixty days after the  
2600 effective date of this section.

2601 (e) On or before January 15, [2013] 2015, the working group shall  
2602 report, in accordance with the provisions of section 11-4a of the general  
2603 statutes, on its findings and recommendations to the Governor and the  
2604 joint standing committees of the General Assembly having cognizance  
2605 of matters relating to commerce and the environment.

2606 Sec. 27. (*Effective July 1, 2013*) Any funds in (1) the Connecticut  
2607 brownfields remediation account established pursuant to section 32-9ff  
2608 of the general statutes, revision of 1958, revised to January 1, 2013, (2)  
2609 the Brownfield Remediation and Development Account established  
2610 pursuant to subsection (l) of section 32-9kk of the general statutes,  
2611 revision of 1958, revised to January 1, 2013, or (3) any other account  
2612 from which the Commissioner of Economic and Community  
2613 Development may use funds to provide financial assistance for the  
2614 remediation or development of brownfields shall be transferred to the  
2615 brownfield remediation and development account established  
2616 pursuant to section 3 of this act and shall become part of the assets of  
2617 said account.

2618 Sec. 28. (NEW) (*Effective from passage*) The Commissioner of Energy  
2619 and Environmental Protection, in consultation with the Commissioner  
2620 of Public Health, shall evaluate risk-based decision making related to  
2621 the remediation of contaminated sites. The commissioner shall, within  
2622 existing resources, engage independent experts in the field, with broad  
2623 national experience, to conduct such evaluation and prepare a report  
2624 that includes an assessment of the existing process of risk-based  
2625 decision making including risk assessment and risk management tools

utilized to protect public health, general welfare and the environment. Such evaluation and report shall also include identification of best practices in ecological and human health risk assessment and risk management used by the United States Environmental Protection Agency and other regulatory agencies, and those published by the National Academy of Sciences. The commissioner shall provide opportunities for public review and input during the evaluation process. Upon completion of the evaluation and report, the commissioner shall consider the evaluation and report and make recommendations for statutory and regulatory changes to the risk-based decision making process including, but not limited to, those in section 22a-6u of the general statutes, as amended by this act, not later than October 1, 2014. For purposes of this section, "commissioner" means the Commissioner of Energy and Environmental Protection.

Sec. 29. (NEW) (*Effective from passage*) Notwithstanding any provision of the general statutes, in any regulation that the Commissioner of Energy and Environmental Protection adopts on or after July 1, 2014, concerning the establishment of a unified clean-up program to address releases, including oil and hazardous substances, the commissioner shall include provisions that shorten the timeframes within which the commissioner shall determine whether to audit a final verification submitted by a licensed environmental professional or other person, if authorized by law, and to indicate at the end of such process that no further action is required, including reopeners, as appropriate.

Sec. 30. (NEW) (*Effective July 1, 2013*) (a) For the purposes of this section:

(1) "Applicant" means any (A) municipality, (B) economic development agency or entity established pursuant to chapter 130 or 132 of the general statutes, (C) nonprofit economic development corporation formed to promote the common good, general welfare and economic development of a municipality and that is funded, either

2658 directly or through in-kind services, in part by a municipality, or (D) a  
2659 nonstock corporation or limited liability company controlled or  
2660 established by a municipality, municipal economic development  
2661 agency or entity created or operating pursuant to chapter 130 or 132 of  
2662 the general statutes;

2663 (2) "Municipality" has the same meaning as provided in section 8-  
2664 187 of the general statutes;

2665 (3) "Brownfield" has the same meaning as provided in section 1 of  
2666 this act;

2667 (4) "Commissioner" means the Commissioner of Energy and  
2668 Environmental Protection;

2669 (5) "Regulated substance" means any oil or petroleum or chemical  
2670 liquid or solid, liquid or gaseous product or hazardous waste; and

2671 (6) "Person" has the same meaning as provided in section 22a-2 of  
2672 the general statutes.

2673 (b) There is established a brownfield liability relief program to assist  
2674 applicants with the redevelopment of eligible brownfields and to  
2675 provide such applicants with liability relief for such brownfields. The  
2676 Commissioner of Energy and Environmental Protection shall  
2677 administer such relief program and accept brownfields into such  
2678 program based on the eligibility criteria, as established in this section.

2679 (c) Prior to acquiring a brownfield, any applicant may apply to the  
2680 commissioner, on such forms as the commissioner prescribes, to obtain  
2681 liability relief as described in subsection (d) of this section. Any  
2682 brownfield shall be eligible for the program if the commissioner  
2683 determines that: (1) The property is a brownfield; (2) such applicant  
2684 intends to acquire title to such brownfield for the purpose of  
2685 redeveloping or facilitating the redevelopment of such brownfield; (3)  
2686 such applicant did not establish or create a facility or condition at or on

2687 such brownfield that can reasonably be expected to create a source of  
2688 pollution, as defined in section 22a-423 of the general statutes, to the  
2689 waters of the state; (4) such applicant is not affiliated with any person  
2690 responsible for such pollution or source of pollution through any  
2691 contractual, corporate or financial relationship other than a  
2692 municipality's exercise of such municipality's police, regulatory or tax  
2693 powers or a contractual relationship in which such person's interest in  
2694 such brownfield will be conveyed or financed; (5) such applicant is not  
2695 otherwise required by law, an order or consent order issued by the  
2696 commissioner or a stipulated judgment to remediate pollution on or  
2697 emanating from such brownfield; and (6) such brownfield and  
2698 applicant meet any other criteria that said commissioner deems  
2699 necessary.

2700 (d) (1) Upon the acceptance of any brownfield into such program by  
2701 the commissioner and upon such applicant taking title to such  
2702 property, such applicant shall not be liable to the state or any person  
2703 for the release of any regulated substance at or from the eligible  
2704 brownfield that occurred prior to such applicant taking title to such  
2705 brownfield, except such applicant shall be liable to the state or any  
2706 person to the extent that such applicant caused or contributed to the  
2707 release of a regulated substance that is subject to remediation and to  
2708 the extent that such applicant negligently or recklessly exacerbated the  
2709 condition of such brownfield.

2710 (2) Any applicant that owns a brownfield that is accepted in such  
2711 brownfield liability relief program shall not be liable to the  
2712 commissioner or any person under section 22a-427, 22a-430, 22a-432,  
2713 22a-433, 22a-451 or 22a-452 of the general statutes nor under any  
2714 theory of common law for any prior existing condition on such  
2715 brownfield or any existing condition on such brownfield property as of  
2716 the date of taking title to such brownfield provided such applicant (A)  
2717 did not establish, cause or contribute to the discharge, spillage,  
2718 uncontrolled loss, seepage or filtration of such hazardous substance,



2719 material, waste or pollution, (B) does not exacerbate any such  
2720 condition on such brownfield, (C) complies with the reporting and  
2721 mitigation or abatement of significant environmental hazard  
2722 requirements in section 22a-6u of the general statutes, as amended by  
2723 this act, and (D) makes good faith efforts to minimize the risk to public  
2724 health and the environment posed by such brownfield and the  
2725 conditions or materials present at such brownfield. To the extent that  
2726 any preexisting releases on such brownfield are exacerbated by such  
2727 applicant, such applicant shall only be responsible for responding to  
2728 contamination exacerbated by such applicant's negligent or reckless  
2729 activities.

2730 (e) After acceptance of any brownfield into such program by the  
2731 commissioner and upon such applicant taking title to such property,  
2732 such applicant shall (1) submit a plan and schedule that outlines an  
2733 applicant's intention to facilitate the investigation, remediation and  
2734 redevelopment of such brownfield; and (2) continue to minimize risk  
2735 to public health and the environment potentially posed by such  
2736 brownfield and the conditions and materials present at such  
2737 brownfield.

2738 (f) The commissioner shall determine whether an application  
2739 submitted pursuant to this section is complete. If the commissioner  
2740 determines that an application is complete and that such brownfield  
2741 and applicant meet the requirements for eligibility, as established in  
2742 subsection (c) of this section, the commissioner shall notify such  
2743 applicant that such brownfield has been accepted into the brownfield  
2744 liability relief program.

2745 (g) Acceptance of a brownfield in such brownfield liability relief  
2746 program shall not limit such applicant's or any other person's ability to  
2747 seek funding for such brownfield under any other brownfield grant or  
2748 loan program administered by the Department of Economic and  
2749 Community Development, the Connecticut Brownfield  
2750 Redevelopment Authority, or the Department of Energy and

2751 Environmental Protection.

2752 (h) Acceptance of a brownfield in such brownfield liability relief  
2753 program shall exempt such applicant from the requirement to file as an  
2754 establishment pursuant to sections 22a-134a to 22a-134d, inclusive, of  
2755 the general statutes, if such brownfield constitutes an establishment, as  
2756 defined in section 22a-134 of the general statutes, as amended by this  
2757 act.

2758 Sec. 31. Subsections (a) to (g), inclusive, of section 22a-6u of the  
2759 general statutes are repealed and the following is substituted in lieu  
2760 thereof (*Effective July 1, 2015*):

2761 (a) For the purposes of this section:

2762 (1) "Commissioner" means the Commissioner of Energy and  
2763 Environmental Protection, or his designee;

2764 (2) "Mitigation" means actions, including, but not limited to,  
2765 placement of gravel or pavement, fencing, water filtration or such  
2766 other interim measures, taken to control the contamination or  
2767 condition that reasonably prevent exposure, including continuing  
2768 inspection, maintenance or monitoring as necessary for the specific  
2769 measures taken;

2770 ~~[(2)]~~ (3) "Parcel" means a piece, tract or lot of land, together with  
2771 buildings and other improvements situated thereon, a legal description  
2772 of which piece, parcel, tract or lot is contained in a deed or other  
2773 instrument of conveyance and which piece, tract or lot is not the  
2774 subject of an order or consent order of the commissioner which  
2775 involves requirements for investigation or reporting regarding  
2776 environmental contamination;

2777 ~~[(3)]~~ (4) "Person" means person, as defined in section 22a-2;

2778 ~~[(4)]~~ (5) "Pollution" means pollution, as defined in section 22a-423;

2779 [(5)] (6) "Release" means any discharge, uncontrolled loss, seepage,  
2780 filtration, leakage, injection, escape, dumping, pumping, pouring,  
2781 emitting, emptying or disposal of oil or petroleum or chemical liquids  
2782 or solids, liquid or gaseous products or hazardous wastes;

2783 [(6)] (7) "Residential activity" means any activity related to (A) a  
2784 residence or dwelling, including, but not limited to, a house,  
2785 apartment, or condominium, or (B) a school, hospital, day care center,  
2786 playground or outdoor recreational area;

2787 [(7)] (8) "Substance" means an element, compound or material  
2788 which, when added to air, water, soil or sediment, may alter the  
2789 physical, chemical, biological or other characteristics of such air, water,  
2790 soil or sediment;

2791 [(8)] (9) "Upgradient direction" means in the direction of an increase  
2792 in hydraulic head; and

2793 [(9)] (10) "Technical environmental professional" means an  
2794 individual, including, but not limited to, an environmental  
2795 professional licensed pursuant to section 22a-133v, who collects soil,  
2796 water, vapor or air samples for purposes of investigating and  
2797 remediating sources of pollution to soil or waters of the state and who  
2798 may be directly employed by, or retained as a consultant by, a public  
2799 or private employer.

2800 (b) (1) If a technical environmental professional determines in the  
2801 course of investigating or remediating pollution after [October 1, 1998]  
2802 July 1, 2015, which pollution is on or emanating from a parcel, that  
2803 such pollution is causing or has caused contamination of a public or  
2804 private drinking water well with: [a] (A) A substance for which the  
2805 Commissioner of Energy and Environmental Protection has  
2806 established a [ground water] groundwater protection criterion in  
2807 regulations adopted pursuant to section 22a-133k at a concentration  
2808 above the [ground water] groundwater protection criterion for such

2809 substance, or (B) the presence of nonaqueous phase liquid, such  
2810 professional shall notify his or her client and the owner of the parcel, if  
2811 the owner of the parcel that is the source of such contamination can  
2812 reasonably be identified, not later than twenty-four hours after  
2813 determining that the contamination exists. If, seven days after such  
2814 determination, the owner of the subject parcel has not notified the  
2815 commissioner, the client of the professional shall notify the  
2816 commissioner. If the owner notifies the commissioner, the owner shall  
2817 provide documentation to the client of the professional which verifies  
2818 that the owner has notified the commissioner.

2819 (2) The owner of a parcel on which exists a source of contamination  
2820 to soil or waters of the state shall notify the commissioner if such  
2821 owner becomes aware that such pollution is causing or has caused  
2822 contamination of a private or public drinking water well with either  
2823 (A) a substance for which the commissioner has established a [ground  
2824 water] groundwater protection criterion in regulations adopted  
2825 pursuant to section 22a-133k at a concentration at or above the [ground  
2826 water] groundwater protection criterion for such substance, or (B) the  
2827 presence of nonaqueous phase liquid. Notice under this section shall  
2828 be given to the commissioner [(A) orally] verbally, not later than one  
2829 business day after such person becomes aware that the contamination  
2830 exists, and [(B)] in writing, not later than five days after such [oral]  
2831 verbal notice.

2832 (3) Not later than thirty days after the date the owner of such parcel  
2833 that is the source of the contamination becomes aware of such  
2834 contamination, such owner shall determine the presence of any other  
2835 water supply wells located within five hundred feet of the polluted  
2836 well by conducting a receptor survey and such owner shall seek access  
2837 to sample drinking water supply wells that are located on adjacent  
2838 parcels of property if such wells are within five hundred feet of the  
2839 polluted well. If such access is granted, such owner shall sample and  
2840 analyze the water quality of such wells. Not later than thirty days after

2841 becoming aware of such contamination, the owner of such parcel shall  
2842 submit a report to the commissioner that includes proposals, as  
2843 necessary, for further action to identify and eliminate exposure to  
2844 contaminants on an ongoing basis.

2845 (c) (1) If a technical environmental professional determines in the  
2846 course of investigating or remediating pollution after [October 1, 1998]  
2847 July 1, 2015, which pollution is on or emanating from a parcel, that  
2848 such pollution is causing or has caused contamination of a public or  
2849 private drinking water well with: (A) A substance for which the  
2850 commissioner has established a [ground water] groundwater  
2851 protection criterion in regulations adopted pursuant to section 22a-  
2852 133k at a concentration less than such [ground water] groundwater  
2853 protection criterion for such substance; or (B) any other substance  
2854 resulting from the release which is the subject of the investigation or  
2855 remediation, such professional shall notify his client and the owner of  
2856 the parcel, if the owner can reasonably be identified, not later than  
2857 seven days after determining that the contamination exists.

2858 (2) The owner of a parcel on which exists a source of pollution to  
2859 soil or the waters of the state shall notify the commissioner if such  
2860 owner becomes aware that such pollution is causing or has caused  
2861 contamination of a private or public drinking water well with: (A) A  
2862 substance for which the commissioner has established a [ground  
2863 water] groundwater protection criterion in regulations adopted  
2864 pursuant to section 22a-133k at a concentration less than such [ground  
2865 water] groundwater protection criterion for such substance; or (B) any  
2866 other substance which was part of the release which caused such  
2867 pollution. Notice under this subdivision shall be given in writing not  
2868 later than [seven] thirty days after the time such person becomes aware  
2869 that the contamination exists.

2870 (3) Not later than thirty days after the date such owner becomes  
2871 aware that such contamination exists, such owner shall perform  
2872 confirmatory sampling of the well. Not later than thirty days after the

2873 date such owner becomes aware of such contamination pursuant to  
2874 subdivision (1) of subsection (c) of this section, such owner shall  
2875 submit a report concerning such confirmatory sampling to the  
2876 commissioner that includes proposals, as necessary, for any further  
2877 action to identify and eliminate exposure to contaminants on an  
2878 ongoing basis. If such confirmatory sampling demonstrates a  
2879 concentration above the groundwater protection criterion for such  
2880 substance, such owner shall proceed in accordance with the provisions  
2881 of subdivisions (2) and (3) of subsection (b) of this section.

2882 (d) (1) If a technical environmental professional determines in the  
2883 course of investigating or remediating pollution after [October 1, 1998]  
2884 July 1, 2015, which pollution is on or emanating from a parcel, that  
2885 such pollution of soil within two feet of the ground surface contains a  
2886 substance [, except for total petroleum hydrocarbon,] at a  
2887 concentration at or above thirty times the industrial/commercial direct  
2888 exposure criterion for such substance if the parcel is in industrial or  
2889 commercial use, or at or above fifteen times the industrial/commercial  
2890 direct exposure criterion for antimony, arsenic, barium, beryllium,  
2891 cadmium, chromium, copper, cyanide, lead, mercury, nickel, selenium,  
2892 silver, thallium, vanadium, zinc or polychlorinated biphenyls,  
2893 excluding arsenic or lead from the lawful application of pesticides, if  
2894 the parcel is in industrial or commercial use and such soil pollution is  
2895 not more than three hundred feet from any residence, school, park,  
2896 playground or daycare facility, or at or above fifteen times the  
2897 residential direct exposure criterion if the parcel is in residential use,  
2898 which criteria are specified in regulations adopted pursuant to section  
2899 22a-133k, such professional shall notify his client and the owner of the  
2900 parcel, if such owner is reasonably identified, not later than seven days  
2901 after determining that the contamination exists, except that notice will  
2902 not be required if [the] either: (A) The land-use of such parcel is not  
2903 residential activity and the substance is one of the following: Acetone,  
2904 2-butanone, chlorobenzene, 1,2-dichlorobenzene, 1,3-dichlorobenzene,  
2905 1,1-dichloroethane, cis-1,2-dichloroethylene, trans-1,2-

2906 dichloroethylene, ethylbenzene, methyl-tert-butyl-ether, methyl  
2907 isobutyl ketone, styrene, toluene, 1,1,1-trichloroethane, xylenes,  
2908 acenaphthylene, anthracene, butyl benzyl phthalate, 2-chlorophenol,  
2909 di-n-butyl phthalate, di-n-octyl phthalate, 2,4-dichlorophenol,  
2910 fluoranthene, fluorene, naphthalene, phenanthrene, phenol and  
2911 pyrene, (B) the substance is total petroleum hydrocarbons, or (C) the  
2912 substance is antimony, arsenic, barium, beryllium, cadmium,  
2913 chromium, copper, cyanide, lead, mercury, nickel, selenium, silver,  
2914 thallium, vanadium, zinc, or polychlorinated biphenyls below thirty  
2915 times industrial/commercial direct exposure criteria at an area of an  
2916 industrial/commercial property that is covered with pavement that is  
2917 maintained in a manner that preserves the integrity of such coverage  
2918 or fenced off from the general public.

2919 (2) The owner of the subject parcel shall notify the commissioner in  
2920 writing not later than ninety days after the time such owner becomes  
2921 aware that the contamination exists except that notification will not be  
2922 required if by the end of said ninety days: (A) The contaminated soil is  
2923 remediated in accordance with regulations adopted pursuant to  
2924 section 22a-133k; (B) the contaminated soil is inaccessible soil as that  
2925 term is defined in regulations adopted pursuant to section 22a-133k;  
2926 [or] (C) the contaminated soil which exceeds thirty or fifteen times  
2927 such criterion, as applicable, is treated or disposed of in accordance  
2928 with all applicable laws and regulations; or (D) the substance is lead on  
2929 a residential property that is already in a lead abatement program  
2930 administered by the local health department for the town in which  
2931 such residential property is located. Any owner who is not required to  
2932 notify the commissioner pursuant to subparagraph (A), (B) or (C) of  
2933 this subdivision may voluntarily submit a notification at any time to  
2934 the commissioner and the department shall issue a certificate of  
2935 completion for purposes of this section if the area that exceeds fifteen  
2936 or thirty times such criterion, as applicable, was treated or disposed of  
2937 in accordance with all applicable laws and regulations. The  
2938 department shall wait until ninety days after the notice is received

2939 before determining whether to post a notification received under this  
2940 subsection on its Internet web site list of notices received under this  
2941 subsection.

2942 (3) If notice is not otherwise exempted pursuant to the provisions of  
2943 subdivision (2) of this subsection, not later than ninety days after the  
2944 owner becomes aware of such contamination, such owner shall, at a  
2945 minimum: (A) Evaluate the extent of such contaminated soil that  
2946 exceeds fifteen or thirty times the applicable direct exposure criteria, as  
2947 applicable, (B) prevent exposure to such soil, and (C) submit, with the  
2948 required notification, a report on such evaluation and prevention to  
2949 the commissioner that includes proposals for other action, as  
2950 necessary, including, but not limited to, maintenance and monitoring  
2951 of interim controls to prevent exposure to soil that exceeds fifteen or  
2952 thirty times, as applicable, the applicable criteria.

2953 (e) (1) If a technical environmental professional determines in the  
2954 course of investigating or remediating pollution after [October 1, 1998]  
2955 July 1, 2015, which pollution is on or emanating from a parcel, that  
2956 such pollution is causing or has caused [ground water] groundwater  
2957 within fifteen feet [beneath] of an industrial or commercial building to  
2958 be contaminated with a volatile organic substance at a concentration at  
2959 or above [thirty] ten times the industrial/commercial volatilization  
2960 criterion for [ground water] groundwater for such substance or, if such  
2961 contamination is [beneath] within fifteen feet of a residential building,  
2962 at a concentration at or above [thirty] ten times the residential  
2963 volatilization criterion, which criteria are specified in regulations  
2964 adopted pursuant to section 22a-133k, such professional shall, not later  
2965 than seven days after determining that the contamination exists, notify  
2966 his client and the owner of the subject parcel, if such owner can  
2967 reasonably be identified.

2968 (2) The owner of such parcel shall notify the commissioner in  
2969 writing not later than thirty days after such person becomes aware that  
2970 the contamination exists except that notification is not required if: (A)



2971 The concentration of such substance in the soil vapor beneath such  
2972 building is at or below [thirty] ten times the soil vapor volatilization  
2973 criterion, appropriate for the land-use for the parcel, for such  
2974 substance as specified in regulations adopted pursuant to section 22a-  
2975 133k; (B) the concentration of such substance in groundwater is below  
2976 [thirty] ten times a site-specific volatilization criterion for [ground  
2977 water] groundwater for such substance calculated in accordance with  
2978 regulations adopted pursuant to section 22a-133k; (C) [ground water]  
2979 groundwater volatilization criterion, appropriate for the land-use of  
2980 the parcel, for such substance specified in regulations adopted  
2981 pursuant to section 22a-133k is fifty thousand parts per billion; [or] (D)  
2982 not later than thirty days after the time such person becomes aware  
2983 that the contamination exists, an indoor air monitoring program is  
2984 initiated in accordance with subdivision (3) of this subsection; (E) the  
2985 parcel contains a building that is not occupied, provided the owner  
2986 shall submit the required notification not later than the date such  
2987 building is reoccupied, unless by the date of reoccupancy data  
2988 confirms concentrations no longer exceed the notification threshold or  
2989 another exception in this subdivision applies; or (F) the parcel contains  
2990 a building in an industrial/commercial use and such volatile organic  
2991 compounds are used in industrial activities, and the use of such  
2992 volatile organic compounds in such building is regulated by the  
2993 federal Occupational Safety and Health Administration.

2994 (3) An indoor air quality monitoring program for the purposes of  
2995 this subsection shall consist of sampling of indoor air once every two  
2996 months for a duration of not less than one year, sampling of indoor air  
2997 immediately overlying such contaminated [ground water]  
2998 groundwater, and analysis of air samples for any volatile organic  
2999 substance which exceeded [thirty] ten times the volatilization criterion  
3000 as specified in or calculated in accordance with regulations adopted  
3001 pursuant to section 22a-133k. The owner of the subject parcel shall  
3002 notify the commissioner if: (A) The concentration in any indoor air  
3003 sample exceeds [thirty] ten times the target indoor air concentration,

3004 appropriate for the land-use of the parcel, as specified in regulations  
3005 adopted pursuant to section 22a-133k; or (B) the indoor air monitoring  
3006 program is not conducted in accordance with this subdivision. Notice  
3007 shall be given to the commissioner in writing not later than seven days  
3008 after the time such person becomes aware that such a condition exists.

3009 (4) Not later than thirty days after the date the owner becomes  
3010 aware of such contamination, the owner shall submit to the  
3011 commissioner with the required notification a proposed plan to  
3012 mitigate exposure to or permanently abate the contamination or  
3013 condition.

3014 (f) (1) If a technical environmental professional determines in the  
3015 course of investigating or remediating pollution after [October 1, 1998]  
3016 July 1, 2015, which pollution is on or emanating from a parcel, that  
3017 such pollution is causing or has caused contamination of [ground  
3018 water] groundwater which is discharging to surface water and such  
3019 [ground water] groundwater is contaminated with: [a substance] (A) A  
3020 substance for which an acute aquatic life criterion is listed in appendix  
3021 D of the most recent water quality standards adopted by the  
3022 commissioner at a concentration which exceeds ten times [(A)] (i) such  
3023 criterion for such substance in said appendix D, or [(B)] (ii) such  
3024 criterion for such substance times a site specific dilution factor  
3025 calculated in accordance with regulations adopted pursuant to section  
3026 22a-133k, or (B) a nonaqueous phase liquid, such professional shall  
3027 notify his client and the owner of such parcel, if such owner can  
3028 reasonably be identified, not later than seven days after determining  
3029 that the contamination exists.

3030 (2) [The] For nonaqueous phase liquid that is not otherwise reported  
3031 to the commissioner pursuant to the general statutes or regulations of  
3032 Connecticut state agencies, the owner of such parcel shall notify the  
3033 commissioner (A) verbally, not later than one business day after such  
3034 person becomes aware such contamination entered a surface water  
3035 body, and (B) in writing, not later than thirty days after the date such

owner becomes aware of such contamination. For contamination with a substance, as described in subdivision (1) of this subsection, such owner shall notify the commissioner, in writing, not later than [seven] thirty days after the time such person becomes aware that the contamination exists. [except that notice] Notice shall not be required pursuant to this subdivision if such person knows that the polluted discharge at that concentration [has been] or in such physical state was reported to the commissioner, in writing, within the preceding year.

(3) For any contamination with a substance as described in subdivision (1) of this subsection, not later than the date written notification is due pursuant to this subsection, the owner shall submit with such notification a proposed plan to monitor, abate or mitigate the contamination or condition.

(g) (1) If a technical environmental professional determines in the course of investigating or remediating pollution after [October 1, 1998] July 1, 2015, which pollution is on or emanating from a parcel, that such pollution is causing or has caused contamination of [ground water] groundwater within five hundred feet in an upgradient direction or two hundred feet in any direction of a private or public drinking water well which [ground water] groundwater is contaminated with a substance resulting from a release for which the commissioner has established a [ground water] groundwater protection criterion in regulations adopted pursuant to section 22a-133k at a concentration at or above the [ground water] groundwater protection criterion for such substance, such technical environmental professional shall notify his client and the owner of the subject parcel, if such owner can reasonably be identified, not later than seven days after determining that the contamination exists.

(2) The owner of the subject parcel shall notify the commissioner in writing not later than [seven] thirty days after the time such owner becomes aware that the contamination exists.

3067       (3) Not later than thirty days after the date such owner becomes  
3068 aware of such contamination, such owner shall determine the presence  
3069 of any other water supply wells located within five hundred feet of  
3070 such polluted groundwater by conducting a receptor survey. Such  
3071 owner shall seek access for the purpose of sampling drinking water  
3072 supply wells that are on adjacent properties if such wells are within  
3073 five hundred feet of such polluted groundwater. If such access is  
3074 granted, such owner shall sample and analyze the water quality of  
3075 such wells. Not later than thirty days after the date such owner  
3076 becomes aware of such polluted groundwater, such owner shall  
3077 submit with the required notification a report to the commissioner  
3078 concerning such evaluation that includes proposals, as necessary, for  
3079 further action to identify and eliminate any exposure to contaminants  
3080 on an ongoing basis.

3081       Sec. 32. Subsections (j) to (m), inclusive, of section 22a-6u of the  
3082 general statutes are repealed and the following is substituted in lieu  
3083 thereof (*Effective July 1, 2015*):

3084       (j) All notices, oral or written, provided under this section shall  
3085 include the nature of the contamination or condition, the address of the  
3086 property where the contamination or condition is located, the location  
3087 of such contamination or condition, any property known to be affected  
3088 by such contamination or condition, any steps being taken to abate,  
3089 remediate or monitor such contamination or condition, and the name  
3090 and address of the person making such notification. Written  
3091 notification shall be clearly marked as notification required by this  
3092 section and shall be either personally delivered to the [Water  
3093 Management Bureau] Remediation Division of the Department of  
3094 Energy and Environmental Protection or sent by certified mail, return  
3095 receipt requested, to the [Water Management Bureau] Remediation  
3096 Division of the Department of Energy and Environmental Protection.

3097       (k) (1) The commissioner shall provide written acknowledgment of  
3098 receipt of a written notice pursuant to this section not later than ten

3099 days after receipt of such notice [. Such acknowledgment shall be  
3100 accompanied by (1) a statement that] and in such acknowledgement  
3101 may provide any information that the commissioner deems  
3102 appropriate.

3103 (2) In accordance with the timeframes specified in this section, the  
3104 owner of the parcel [has up to ninety days within which to] shall  
3105 submit to the commissioner either (A) (i) a mitigation plan to prevent  
3106 exposures, (ii) a plan to remediate the contamination or condition, or  
3107 (iii) a plan to abate the contamination or condition, (B) documentation  
3108 that the contamination or condition was mitigated and that there are  
3109 no exposure pathways from the contamination, along with a plan to  
3110 maintain such mitigation measures, or (C) documentation that  
3111 describes how the contamination or condition was abated, as  
3112 applicable. Submittals described in this subsection may be submitted  
3113 concomitantly with other notices required in this section.

3114 (3) If such plan, as described in subdivision (2) of this subsection, is  
3115 not submitted or is [not approved] disapproved by the commissioner,  
3116 the commissioner shall prescribe the action to be taken [, or (2)] or  
3117 issue a directive as to action required to [remediate] mitigate or abate  
3118 the contamination or condition. If a plan is submitted which details  
3119 actions to be taken, or a report is submitted which details actions  
3120 taken, to mitigate or abate the contamination or conditions [such that  
3121 notice under this section would not be required,] and such plan or  
3122 report is acceptable to the commissioner, the commissioner shall  
3123 approve such plan or report in writing. When [actions implementing  
3124 an approved plan are completed,] a report is submitted that  
3125 demonstrates permanent abatement of the contamination or condition,  
3126 such that notice under this section would not be required, the  
3127 commissioner shall issue a certificate of compliance upon finding such  
3128 report to be acceptable.

3129 (l) An owner who has submitted written notice pursuant to this  
3130 section shall, not later than five days after the commencement of an

3131 activity by any person that increases the likelihood of human exposure  
3132 to known contaminants, including, but not limited to, construction,  
3133 demolition, significant soil disruption or the installation of utilities,  
3134 post such notice in a conspicuous place on such property and, in the  
3135 case of a place of business, in a conspicuous place inside the place of  
3136 business. An owner who violates this [subsection] section shall pay a  
3137 civil penalty of one hundred dollars for each offense. Each violation  
3138 shall be a separate and distinct offense and, in the case of a continuing  
3139 violation, each day's continuance thereof shall be deemed to be a  
3140 separate and distinct offense. The Attorney General, upon complaint of  
3141 the commissioner, shall institute an action in the superior court for the  
3142 judicial district of Hartford to recover such penalty.

3143 (m) Not later than ten days after receipt of any written notice  
3144 received under this section, the commissioner shall [: (1) Forward]  
3145 forward a copy of such notice to the chief elected official of the  
3146 municipality in which the subject pollution was discovered [by the  
3147 technical environmental professional, (2) forward a copy of such notice  
3148 to the state senator and state representative representing the area in  
3149 which the subject pollution was discovered by the technical  
3150 environmental professional, (3) forward a copy of such notice to the  
3151 Labor Commissioner where the Division of Occupational Safety and  
3152 Health, within the Labor Department, has jurisdiction over the  
3153 employers, employees and places of employment on the subject  
3154 property, (4) forward a copy of such notice to the employee  
3155 representatives who request such reports, (5) forward a copy of such  
3156 notice to the federal Occupational Safety and Health Administration,  
3157 and (6) maintain a list on the department's Internet web site of all the  
3158 notices received under this section] and to the local health director of  
3159 such municipality or region. Any forwarding of such notice, as  
3160 required by this subsection, may be performed by electronic means.  
3161 The commissioner shall maintain a list of all notices received under  
3162 this section that pertain to conditions that have not been mitigated or  
3163 permanently abated at the time of notification. Such list shall be on the

3164 department's Internet web site and shall be amended to remove notices  
3165 after the condition is mitigated or permanently abated.

3166 Sec. 33. Section 22a-133o of the general statutes is repealed and the  
3167 following is substituted in lieu thereof (*Effective October 1, 2013*):

3168 (a) An owner of land may execute and record an environmental use  
3169 restriction under sections 22a-133n to 22a-133r, inclusive, as amended  
3170 by this act, on the land records of the municipality in which such land  
3171 is located if (1) the commissioner has adopted standards for the  
3172 remediation of contaminated land pursuant to section 22a-133k and  
3173 adopted regulations pursuant to section 22a-133q, as amended by this  
3174 act, (2) the commissioner, or in the case of land for which remedial  
3175 action was supervised under section 22a-133y or for a notice of activity  
3176 and use limitation, a licensed environmental professional, determines,  
3177 as evidenced by his signature on such restriction, that it is consistent  
3178 with the purposes and requirements of sections 22a-133n to 22a-133r,  
3179 inclusive, as amended by this act, and of such standards and  
3180 regulations, and (3) such restriction will effectively protect public  
3181 health and the environment from the hazards of pollution. Such  
3182 environmental use restriction may be in the form of an environmental  
3183 land use restriction, as described in subsection (b) of this section, or a  
3184 notice of activity and use limitation, as described in subsection (c) of  
3185 this section.

3186 (b) (1) No owner of land may record an environmental land use  
3187 restriction on the land records of the municipality in which such land  
3188 is located unless he simultaneously records documents which  
3189 demonstrate that each person holding an interest in such land or any  
3190 part thereof, including without limitation each mortgagee, lessee,  
3191 lienor and encumbrancer, irrevocably subordinates such interest to the  
3192 environmental land use restriction, provided the commissioner may  
3193 waive such requirement if he finds that the interest in such land is so  
3194 minor as to be unaffected by the environmental land use restriction.  
3195 The commissioner shall waive the requirement to obtain subordination

3196 agreements for any interest in land that, when acted upon, is not  
3197 capable of creating a condition contrary to any purpose of such  
3198 environmental land use restriction. An environmental land use  
3199 restriction shall run with land, shall bind the owner of the land and his  
3200 successors and assigns, and shall be enforceable notwithstanding lack  
3201 of privity of estate or contract or benefit to particular land.

3202 [(c)] (2) Within seven days after executing an environmental land  
3203 use restriction and receiving thereon the signature of the commissioner  
3204 or licensed environmental professional, as the case may be, the owner  
3205 of the land involved therein shall record such restriction and  
3206 documents required under [subsection (b) of this section] subdivision  
3207 (1) of this subsection on the land records of the municipality in which  
3208 such land is located and shall submit to the commissioner a certificate  
3209 of title certifying that each interest in such land or any part thereof is  
3210 irrevocably subordinated to the environmental land use restriction in  
3211 accordance with [said subsection (b)] subdivision (1) of this subsection.

3212 [(d)] (3) An owner of land with respect to which an environmental  
3213 land use restriction applies may be released, wholly or in part,  
3214 permanently or temporarily, from the limitations of such restriction  
3215 only with the commissioner's written approval which shall be  
3216 consistent with the regulations adopted pursuant to section 22a-133q,  
3217 as amended by this act, and shall be recorded on the land records of  
3218 the municipality in which such land is located. The commissioner may  
3219 waive the requirement to record such release if he finds that the  
3220 activity which is the subject of such release does not affect the overall  
3221 purpose for which the environmental land use restriction was  
3222 implemented, or for a temporary release, the activity is sufficiently  
3223 limited in scope and duration, and does not alter the size of the area  
3224 subject to the environmental land use restriction. The commissioner  
3225 shall not approve any such permanent release unless the owner  
3226 demonstrates that he has remediated the land, or such portion thereof  
3227 as would be affected by the release, in accordance with the standards



3228 established pursuant to section 22a-133k.

3229 ~~[(e)]~~ (4) An environmental land use restriction shall survive  
3230 foreclosure of a mortgage, lien or other encumbrance.

3231 (c) (1) A notice of activity and use limitation may be used and  
3232 recorded for releases remediated in accordance with the regulations  
3233 adopted pursuant to sections 22a-133k and 22a-133q, as amended by  
3234 this act, for the following purposes:

3235 (A) To achieve compliance with industrial/commercial direct  
3236 exposure criteria, groundwater volatilization criteria, and soil vapor  
3237 criteria, as established in regulations adopted pursuant to section 22a-  
3238 133k, by preventing residential activity and use of the area to be  
3239 affected through the notice of activity and use limitation, provided  
3240 such property is zoned for industrial or commercial use, is not used for  
3241 any residential use, and no holder of an interest in such property, other  
3242 than such owner, has a right of residential use, as defined in  
3243 regulations adopted pursuant to section 22a-133k;

3244 (B) To prevent disturbance of polluted soil that exceeds the  
3245 applicable direct exposure criteria but that is inaccessible soil, in  
3246 compliance with the provisions of the regulations adopted pursuant to  
3247 section 22a-133k, provided pollutant concentrations in such  
3248 inaccessible soil do not exceed ten times the applicable direct exposure  
3249 criteria;

3250 (C) To prevent disturbance of an engineered control to the extent  
3251 such engineered control is for the sole remedial purpose of eliminating  
3252 exposure to polluted soil that exceeds the direct exposure criteria,  
3253 provided pollutant concentrations in such soil do not exceed ten times  
3254 the applicable direct exposure criteria;

3255 (D) To prevent demolition of a building or permanent structure that  
3256 renders polluted soil environmentally isolated, provided: (i) The  
3257 pollutant concentrations in the environmentally isolated soil do not

3258 exceed ten times the applicable direct exposure criteria and the  
3259 applicable pollutant mobility criteria, or (ii) the total volume of soil  
3260 that is environmentally isolated that exceeds ten times the applicable  
3261 direct exposure criteria and the applicable pollutant mobility criteria is  
3262 less than or equal to ten cubic yards; or

3263 (E) Any other purpose the commissioner may prescribe by  
3264 regulations adopted in accordance with the provisions of chapter 54.

3265 (2) No owner shall record a notice of activity and use limitation on  
3266 the land records of the municipality in which such land is located  
3267 unless such owner, not later than sixty days prior to such recordation,  
3268 provides written notice to each person who holds an interest in such  
3269 land or any part thereof, including each mortgagee, lessee, lienor and  
3270 encumbrancer. Such written notice of the proposed notice of activity  
3271 and use limitation shall be sent by certified mail, return receipt  
3272 requested, and shall include notice of the existence and location of  
3273 pollution within such area and the terms of such proposed activity and  
3274 use limitation. Any such person who holds an interest may waive such  
3275 sixty-day-notice period in relation to such interest provided such  
3276 waiver is in writing.

3277 (3) A notice of activity and use limitation recorded pursuant to this  
3278 subsection shall be implemented and adhered to by the owner and  
3279 subsequent holders of interests in the property, such owner's  
3280 successors and assigns, and any person who has a license to use such  
3281 property or to conduct remediation on any portion of such property.

3282 (4) Any notice of activity and use limitation shall be effective when  
3283 recorded on the land records of the municipality in which such  
3284 property is located.

3285 (5) (A) Any notice of activity and use limitation document, as  
3286 described in this subsection, shall be prepared on a form prescribed by  
3287 the commissioner.

3288       (B) A notice of activity and use limitation decision document, signed  
3289       by the commissioner or signed and sealed by a licensed environmental  
3290       professional, shall be referenced in and recorded with any such notice  
3291       of activity and use limitation, and shall specify:

3292       (i) Why the notice of activity and use limitation is appropriate for  
3293       achieving and maintaining compliance with the regulations adopted  
3294       pursuant to section 22a-133k;

3295       (ii) Any activities and uses that are inconsistent with maintaining  
3296       compliance with such regulations;

3297       (iii) Any activities and uses to be permitted;

3298       (iv) Any obligations and conditions necessary to meet the objectives  
3299       of the notice of activity and use limitation; and

3300       (v) The nature and extent of pollution in the area that is the basis for  
3301       the notice of activity and use limitation, including a listing of  
3302       contaminants and concentrations for such contaminants, and the  
3303       horizontal and vertical extent of such contaminants.

3304       (6) A notice of activity and use limitation shall not be used in any  
3305       area where a prior holder of interest in the property has an interest that  
3306       allows for the conduct of an activity that interferes with the conditions  
3307       or purposes described in subparagraphs (A) to (E), inclusive, of  
3308       subdivision (1) of this subsection or if such interest allows for intrusion  
3309       into the polluted soil.

3310       (7) Upon transfer of any interest in or a right to use property, or a  
3311       portion of property that is subject to a notice of activity and use  
3312       limitation, the owner of such land, any lessee of such land and any  
3313       person who has the right to subdivide or sublease such property, shall  
3314       incorporate such notice in full or by reference into all future deeds,  
3315       easements, mortgages, leases, licenses, occupancy agreements and any  
3316       other instrument of transfer provided the failure to incorporate such

3317 notice shall not affect the enforceability of any such notice of activity  
3318 and use limitation.

3319 (8) If a notice of activity and use limitation is extinguished by  
3320 foreclosure of a mortgage, lien or other encumbrance, the owner of the  
3321 subject land shall promptly, but not later than one year from the date  
3322 of such foreclosure, or other schedule if approved in writing by the  
3323 commissioner, remediate the pollution that was the subject of the  
3324 notice of activity and use limitation consistent with standards adopted  
3325 under section 22a-133k. In the event a notice of activity and use  
3326 limitation is extinguished by such foreclosure, if notice to the  
3327 commissioner is not otherwise provided as part of the foreclosure  
3328 proceedings the owner shall, not later than thirty days from the date of  
3329 such foreclosure, provide written notice to the commissioner by  
3330 certified mail, return receipt requested, of such foreclosure, the name  
3331 of the owner, the address of the land, and the identification of the  
3332 notice of activity and use limitation.

3333 (9) Any owner of a parcel of property that is subject to a notice of  
3334 activity and use limitation may remediate the pollution on such parcel  
3335 in accordance with the regulations adopted pursuant to sections 22a-  
3336 133k and 22a-133q, as amended by this act. Such owner, upon  
3337 completion of such remediation, may terminate the notice of activity  
3338 and use limitation in accordance with regulations adopted pursuant to  
3339 section 22a-133q, as amended by this act.

3340 Sec. 34. Section 22a-133p of the general statutes is repealed and the  
3341 following is substituted in lieu thereof (*Effective October 1, 2013*):

3342 (a) The Attorney General, at the request of the commissioner, shall  
3343 institute a civil action in the superior court for the judicial district of  
3344 Hartford or for the judicial district wherein the subject land is located  
3345 for injunctive or other equitable relief to enforce an environmental land  
3346 use restriction, a notice of activity and use limitation or the provisions  
3347 of sections 22a-133n to 22a-133q, inclusive, as amended by this act, and

3348 regulations adopted [thereunder] pursuant to said sections or to  
3349 recover a civil penalty pursuant to subsection (e) of this section.

3350 (b) The commissioner may issue orders pursuant to sections 22a-6,  
3351 as amended by this act, and 22a-7 to enforce an environmental land  
3352 use restriction, a notice of activity and use limitation or the provisions  
3353 of sections 22a-133n to 22a-133q, inclusive, as amended by this act, and  
3354 regulations adopted [thereunder] pursuant to said sections.

3355 (c) In any administrative or civil proceeding instituted by the  
3356 commissioner to enforce an environmental land use restriction, a  
3357 notice of activity and use limitation or the provisions of sections 22a-  
3358 133n to 22a-133q, inclusive, as amended by this act, and regulations  
3359 adopted [thereunder] pursuant to said sections, any other person may  
3360 intervene as a matter of right.

3361 (d) In any civil or administrative action to enforce an environmental  
3362 land use restriction, a notice of activity and use limitation or the  
3363 provisions of sections 22a-133n to 22a-133q, inclusive, as amended by  
3364 this act, and regulations adopted thereunder, the owner of the subject  
3365 land, and any lessee thereof, shall be strictly liable for any violation of  
3366 such restriction, limitation or the provisions of sections 22a-133n to  
3367 22a-133q, inclusive, as amended by this act, and regulations adopted  
3368 [thereunder] pursuant to said sections and shall be jointly and  
3369 severally liable for abating such violation.

3370 (e) Any owner of land with respect to which an environmental land  
3371 use restriction or a notice of activity and use limitation applies, and  
3372 any lessee of such land, who violates any provision of such restriction  
3373 or limitation or violates the provisions of sections 22a-133n to 22a-  
3374 133q, inclusive, as amended by this act, and regulations adopted  
3375 [thereunder] pursuant to said sections shall be assessed a civil penalty  
3376 under section 22a-438. The penalty provided in this subsection shall be  
3377 in addition to any injunctive or other equitable relief.

3378 Sec. 35. Section 22a-133q of the general statutes is repealed and the  
3379 following is substituted in lieu thereof (*Effective October 1, 2013*):

3380 The commissioner shall adopt regulations, in accordance with the  
3381 provisions of chapter 54, to carry out the purposes of sections 22a-133n  
3382 to 22a-133r, inclusive, as amended by this act. Such regulations may  
3383 include, but not be limited to, provisions regarding the form, contents,  
3384 fees, financial surety, monitoring and reporting, filing procedure for,  
3385 and release from, environmental land use restrictions and notice of  
3386 activity and use limitations.

3387 Sec. 36. Section 22a-133r of the general statutes is repealed and the  
3388 following is substituted in lieu thereof (*Effective October 1, 2013*):

3389 In the event that a court of competent jurisdiction finds for any  
3390 reason that an environmental land use restriction or notice of activity  
3391 and use limitation is void or without effect for any reason, the owner  
3392 of the subject land, in accordance with a schedule prescribed by the  
3393 commissioner, shall promptly abate pollution thereon consistently  
3394 with standards adopted under section 22a-133k for remediation of land  
3395 used for residential or recreational purposes.

3396 Sec. 37. Sections 32-9dd, 32-9ff and 32-9gg of the general statutes are  
3397 repealed. (*Effective July 1, 2013*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	32-9cc
Sec. 3	<i>July 1, 2013</i>	New section
Sec. 4	<i>July 1, 2013</i>	32-9kk
Sec. 5	<i>July 1, 2013</i>	32-9ee
Sec. 6	<i>July 1, 2013</i>	New section
Sec. 7	<i>July 1, 2013</i>	New section
Sec. 8	<i>July 1, 2013</i>	New section
Sec. 9	<i>July 1, 2013</i>	32-9ll

Sec. 10	<i>July 1, 2013</i>	32-9mm
Sec. 11	<i>July 1, 2013</i>	12-65e
Sec. 12	<i>July 1, 2013</i>	12-217mm(a)
Sec. 13	<i>July 1, 2013</i>	12-81r(a)
Sec. 14	<i>July 1, 2013</i>	22a-2d(c)
Sec. 15	<i>July 1, 2013</i>	22a-2d(d)
Sec. 16	<i>July 1, 2013</i>	22a-6(i) to (k)
Sec. 17	<i>July 1, 2013</i>	22a-133u(b)
Sec. 18	<i>July 1, 2013</i>	22a-133aa(g)
Sec. 19	<i>July 1, 2013</i>	22a-134(1)
Sec. 20	<i>January 1, 2014</i>	22a-134(1)
Sec. 21	<i>July 1, 2013</i>	25-68d(e)
Sec. 22	<i>July 1, 2013</i>	32-1m(a)(8)
Sec. 23	<i>July 1, 2013</i>	32-22b
Sec. 24	<i>July 1, 2013</i>	32-276(b)
Sec. 25	<i>July 1, 2013</i>	32-329(b)
Sec. 26	<i>from passage</i>	PA 10-135Section 2
Sec. 27	<i>July 1, 2013</i>	New section
Sec. 28	<i>from passage</i>	New section
Sec. 29	<i>from passage</i>	New section
Sec. 30	<i>July 1, 2013</i>	New section
Sec. 31	<i>July 1, 2015</i>	22a-6u(a) to (g)
Sec. 32	<i>July 1, 2015</i>	22a-6u(j) to (m)
Sec. 33	<i>October 1, 2013</i>	22a-133o
Sec. 34	<i>October 1, 2013</i>	22a-133p
Sec. 35	<i>October 1, 2013</i>	22a-133q
Sec. 36	<i>October 1, 2013</i>	22a-133r
Sec. 37	<i>July 1, 2013</i>	Repealer section